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PART III.

Legislative Measures and Rules thereunder.

THE MYSORE MUNICIPAL REGULATION, 1906.

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SCHEDULES.

THE MYSORE MUNICIPAL REGULATION.

NO. VII OF 1906.

PASSED ON THE 16TH DAY OF OCTOBER 1906

A Regulation for the better management of Municipal affairs in Mysore.

WHEREAS it is expedient to make better provision for the management of municipal affairs in cities and towns in Mysore: His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.—PRELIMINARY.

Short title.

1. (1) This Regulation may be cited as the Mysore Municipal Regulation, 1906.

Local extent.

(2) It extends to the whole of Mysore.

Commencement.

(3) It shall come into force on the first day of January 1907.

Repeal.

2. The Bangalore Municipal Regulations of 1871 and Regulations III of 1888, I of 1890, VII of 1899 and VIII of 1900 are hereby repealed.

Provided that—

Saving clause.

(a) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments;

(b) all municipalities constituted, municipal commissioners appointed or elected, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Regulations or under any enactments thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpretation section.

3. In this Regulation and in the schedules, unless there be something repugnant in the subject or context—

(1) "City Municipal Council" shall mean

(a) either the City Municipal Council of Bangalore or Mysore, as the case may be, or

(b) one which has been declared under sub-section (1) of section 181 a City Municipal Council,

and which has not ceased, under sub-section (2) of section 181, to be a City Municipal Council.

(2) "Councillor" shall mean any person legally a member of a Municipal Council constituted under this Regulation.

(3) "Judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge, or Munsiff.

(4) "Municipality" shall mean any local area which is at present a municipality under the enactments repealed by section 2 of this Regulation, and any local area which may hereafter be constituted a municipality under section 4, if such municipality has not ceased to exist under the provisions of the said section.

(5) "Land" shall include land which is built upon or covered with water.

(6) "Building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or otherwise, and shall include also walls, verandahs, fixed platforms, plinths, door-steps, and the like.

(7) "Owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant: Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required.

(8) "Salaried servant of Government" shall not include a retired servant of Government in receipt of a pension, or a person in receipt of a salary from Government who is not a full-time servant of Government.

(9) "Official year" shall mean the year commencing on the first day of July.

(10) "Annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year.

(11) "Street" shall mean any road, footway, square, court, alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(12) "Public street" shall mean any street—

(*a*) over which the public have a right of way, or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out fo municipal or other public funds, or

(*c*) which under the provisions of section 90 is declared by the Municipal Council to be, or under any other provisions of this Regulation becomes, a public street.

(13) "Tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation.

(14) "Nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property.

(15) "Dangerous disease" shall mean cholera, plague, small-pox, and any eddemic, epidemic, or infectious disease by which the life of man is endangered.

(16) "Vehicle" shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public street.

(17) "Public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf.

CHAPTER II—CONSTITUTION OF MUNICIPAL COUNCILS.

(1) Municipalities.

Delimitation of municipalities.

4. (1) Subject to the provisions of sections 6, 7 and 8, the Government may from time to time, by notification in the Official Gazette, declare any local area to be a municipality, and may from time to time, by a like notification, extend, contract or otherwise alter the limits of any municipality, or declare that any local area shall, from a date to be specified in the notification, cease to be a municipality.

Limits to be specified in notification.

(2) Every such notification constituting a new municipality, or altering the limits of an existing municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Erection and maintenance of boundary marks.

(3) It shall be the duty of the Municipal Council in every municipality already existing and of every Municipal Council newly constituted under this Regulation, and of every Municipal Council whose local limits are altered as aforesaid, to cause, at their own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at their own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of the municipality subject to their authority, as set forth in the notification.

Property and rights of Municipal Council which has ceased to exist to vest in Government.

(4) When any local area ceases to be a municipality, the Municipal Council constituted therein shall cease to exist, and the property and rights vested in any such Municipal Council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such Municipal Council had jurisdiction.

Municipalities to be periodical or permanent.

5. Municipalities constituted under section 4 may be either periodical or permanent.

What local areas may be declared to be periodical municipalities.

6. Any local area in which a periodical fair is held or which is visited periodically by pilgrims, together with any neighbouring local area to which the people attending such fair or the pilgrims resort whilst such fair or pilgrimage lasts, may be declared a periodical municipality at and throughout certain specified recurring seasons.

What local areas may be declared to be permanent municipalities.

7. (1) Any local area which comprises :—

(*a*) a city, town or station or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a permanent municipality :

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 8 and in the notification issued under section 4, it shall not be lawful—

(i) to include any city, town, station or suburb in a permanent municipality with any other city, town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses ; or

(ii) to constitute any municipality in any area of which the population is less than two thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names or formed into one municipality, the name of the municipality shall be determined by the Government.

Permanent municipalities.

8. (1) Not less than two months before the publication of any notification declaring any local area a permanent municipality, or altering the limits of any such municipality, or declaring that any local area shall cease to be a municipality, the Government shall cause to be published in the Official Gazette, in English and Kanarese, and to be posted up in conspicuous spots in the said local area in Kanarese, a proclamation announcing that it is proposed to constitute

such local area a municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Deputy Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the Municipal Council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) Municipal Councils.

Constitution and incorporation of Municipal Councils.

9. In every municipality there shall be a Municipal Council, and every such Municipal Council shall be a body corporate by the name of "The Municipal Council of—", and shall have perpetual succession and a common seal, and may sue and be sued in their corporate name.

Municipal Councils to consist of elected and nominated councillors.

10. (1) Except as is hereinafter otherwise provided, every such Municipal Council shall consist of—

(*a*) elected councillors;

(*b*) nominated councillors, if any, that is to say, such persons as from time to time—

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf, by the Government.

In specified proportions.

Provided that the number of elected councillors shall be not less than one-third of the whole number, inclusive of the president, and that not more than one-half of the nominated councillors shall be salaried servants of Government.

(2) Any vacancies due to failure to elect the full number of elected councillors which under this section might be elected, may, notwithstanding anything in this Regulation contained, be filled up by nomination by the Government.

Government may determine the number of councillors; fix proportion of elected and nominated councillors; and make rules for regulating elections.

11. The Government shall from time to time, generally or specially for each Municipal Council—

(*a*) determine the number of councillors;

(*b*) fix, subject to the provisions of the last preceding section, the proportion of the councillors, if any, who shall be nominated;

(*c*) make rules consistent with this Regulation, for—

(i) fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected;

(ii) prescribing the number to be elected by the rate-payers, or by sections of the inhabitants, or by public bodies or associations, if any, and the qualifications of candidates and of voters other than as hereinafter provided;

(iii) preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm, or any other association or body of individuals, or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised, and prescribing the restrictions, if any, on the number of votes which a voter may give;

(iv) determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie;

(v) prescribing the date, subject to the provisions of sub-section (1) of section 13 for the publication of the Municipal Election Roll;

(vi) regulating generally such elections.

12. Subject to the provisions of section 13 and to the disqualifications mentioned in section 15 and sub-sections (3) and (6) of section 22 as regards candidates, and in section 21 as regards voters,

Proviso as to admission oefertain qualification.

(*a*) every Graduate of any University, and

(*b*) every Advocate of the Chief Court,

who, for a period of not less than six months next preceding the date on which by the said rules a list of voters is required to be prepared or revised in a municipality for election purposes, has been resident in that municipality, and,

(*c*) every person who, for the like period, has been paying taxes, other than octroi or toll, imposed in that municipality, of an amount not less than such minimum as shall for the time being be fixed for that municipality by the Government,

shall be qualified to be a candidate, and to be entered in the list of voters for the said municipality.

13. (1) When, in accordance with rules framed under sub-clauses (iii) and (iv) of clause (*c*) of section 11, a list of voters has been prepared or, upon a general revision, completed, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the Municipal Election Roll. A new Election Roll shall be published in each year on such date as may be prescribed by the Rules, and shall continue in operation for a period of twelve months from that day.

Operation of lists.

Provided that if a new Election Roll is not published in any year before the date prescribed, the Roll then in operation shall continue in operation until the new Roll is published.

(2) At every election of councillors every person enrolled in the Municipal Election Roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Right to vote to depend on entry in roll.

14. (1) (*a*) Nothing in the four sections last preceding shall apply to any permanent municipality to which, owing to the smallness of such municipality, or to the backward state or indifference of its inhabitants, or for other such exceptional reason, the Government shall, in a notification setting forth such reasons and published in the Official Gazette, at any time declare the provisions of the said sections to be unsuitable.

Constitution of Municipal Council, in exceptional cases.

(*b*) In any such municipality the Municipal Council shall consist either entirely of nominated councillors, or partly of nominated and partly of elected councillors, in such proportions, and appointed or elected by such persons, in such manner, and subject to such conditions, as the Government in the notification published under clause (*a*), or in any subsequent notification published as aforesaid, shall think fit to prescribe.

(*c*) It shall be competent to the Government at any time to alter or rescind any notification issued by it under this section; and in the event of any notification under clause (*a*) being rescinded, the Municipal Council affected thereby shall, from a date to be fixed in this behalf by the Government, be constituted in accordance with the four sections last preceding.

(2) The powers and duties conferred and imposed by this Regulation on Municipal Councils shall, in a periodical municipality, be respectively exercised and discharged by a neighbouring Municipal Council nominated in this behalf by Government, or by a Municipal Council specially constituted for the time being and consisting of such councillors nominated in such manner as the Government directs.

Periodical Municipal Councils.

(3) If in any periodical municipality, any tax has been or shall have been imposed, or any rule or by-law has been or shall have been made, under the provisions of this Regulation, such tax, unless and until it has been modified, suspended or abolished, shall be leviable, and such rule or by-law, unless and until it has been altered or rescinded, shall have effect, in such municipality throughout each recurring season during which the municipality is, by virtue of a declaration under Section 6, a periodical municipality.

Taxes, rules and by-laws in periodical municipalities.

(3) *Municipal Councillors.*

15. (1) No person may be a councillor,—

General disqualifications for becoming a councillor.

(*a*) who,

(i) having been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(ii) having been dismissed from Government service, such dismissal having been notified as debarring him from re-employment, or

(iii) being a legal practitioner whose sannad has been withdrawn by the Chief Court, or

(iv) having been removed from office under section 16,

has not, by an order which the Government is hereby empowered to make, if it shall think fit, in this behalf, been relieved from disqualification arising on account of such sentence or dismissal, or withdrawal of sannad or removal from office, or

(*b*) who has been declared an insolvent, or

(*c*) who is less than twenty-one years of age, or who is of the female sex, or

(*d*) who is a Judge;

and no person,

(*e*) who is a subordinate officer or servant of a Municipal Council, or

(*f*) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a Municipal Council, or in any contract or employment with, or under, or by, or on behalf of a Municipal Council,

may be a member of such Municipal Council.

Provided that—

a person shall not be deemed to have incurred such disqualification or to have any share or interest in any such work or in any such contract or employment, by reason only of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same,

(ii) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the Municipal Council, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Municipal Council may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the Municipal Council, or

(v) being professionally engaged on behalf of the Municipal Council as a legal practitioner, or

(vi) having a share or interest in the occasional sale of any article in which he regularly trades, to the Municipal Council, to a value not exceeding, in any one official year, such amount as the Municipal Council, with the sanction of Government, may fix in this behalf, or

(vii) being a party to any agreement made with the Municipal Council under the provisions of section 71 or of proviso (*a*) to sub-section (1) of section 156.

Disabilities from continuing a councillor.

(2) If any councillor during the term for which he has been elected or appointed—

(*a*) becomes disqualified under sub-section (1), or

(*b*) acts as a councillor in any matter—

(i) in which he has directly or indirectly, by himself or his partner, any such share or interest as is described in clauses (i), (ii), (iii), (vi) and (vii) of the proviso to sub-section (1), or

(ii) in which he is professionally interested on behalf of a client, principal or other person, or

(*c*) departs beyond the limits of Mysore with the declared or known intention of absenting himself continuously for a period exceeding six months, or

(*d*) by becoming a salaried servant of Government, causes the number of nominated councillors who are salaried servants of Government to exceed the proportion prescribed in the proviso of sub-section (1) of section 10, or

(*e*) not being a president or vice-president or a salaried servant of Government, fails, without leave from the Municipal Council on that behalf, to attend any meeting of the Municipal Council for a period of four months, provided that there shall have been not less than three such meetings within such period,

he shall be disabled from continuing to be a councillor, and his office shall become vacant.

Power of Government to decide whether vacancy has occurred.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

16. The Government, if it thinks fit, on the recommendation of the Municipal Council, may remove any councillor elected or appointed under this Regulation, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Liability to removal from office.

17. Councillors nominated or elected at a general election under this Regulation shall, save as provided in the next following section, or unless they become in the meantime disabled, or are removed from office under section 16, or section 179, hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years, if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same.

Term of office.

18. In the event of the death, resignation, disqualification, disability or removal of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies how to be filled up.

19. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Re-eligibility of councillors.

20. The names of all councillors finally elected to any Municipal Council as well as the names of the nominated councillors, if any, appointed thereto, shall be published, as soon as conveniently may be, in the Official Gazette.

Publication of names of councillors in the Official Gazette.

(4) Municipal Elections.

21. No person who is less than twenty-one years of age shall be entitled to vote at any municipal election.

General disqualifications of voters.

22. (1) If the validity of any election of a councillor is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time within ten days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held.

Determination of validity of elections.

(2) The District Judge or such other Judge as may be appointed by the Government in this behalf may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purposes of the said inquiry the said Judge may summon and enforce the attendance of witnesses, and compel them to give evidence as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. The decision or order shall be conclusive. If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

Powers of Judge holding enquiry.

(3) *(a)* The Judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Declaration in case of corrupt practice by a candidate.

(b) If in any case to which clause *(a)* does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favor of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favor, to have been duly elected.

Scrutiny of votes and declaration in other cases.

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

What is a corrupt practice.

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favor of any candidate, offers or gives any money or valuable consideration,

or holds out any promise of individual profit, or holds out any threat of injury, to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

EXPLANATION.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*c*) of section 11, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Disqualification of candidate for corrupt practice.

(6) If the Judge sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that or any other municipality for a term of years not exceeding seven, and the Judge's decision shall be conclusive: provided, however, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such pisqualification.

Presidents and Vice-Presidents.

Every Municipal Council to have a president and, if Government so directs, one or more vice-presidents.

23. (1) For every Municipal Council there shall be a president and, if and whenever Government so directs, one or more than one vice-president. Where there are more vice-presidents than one, the Government may direct which of them is the senior for the purpose of this Regulation.

Presidents and vice-presidents how to be selected.

(2) The president and the vice-president or vice-presidents shall be selected from among the councillors; and for this purpose may be either—

(*a*) appointed by the Government by name; or

(*b*) appointed by the Government ex-officio, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf; or

(*c*) if the Government so directs, elected by the Municipal Council.

Effect of notification of ex-officio president or vice-president.

(3) When an office has been notified under clause (*b*) of sub-section (2), the person from time to time executing the functions of that office shall be and shall continue to be president or vice-president as the case may be, unless and until such notification is altered or rescinded by the Government.

Consequences of absence of president or vice-president without leave.

(4) Except in the case of an ex-officio president or vice-president, every president or vice-president who, for a period exceeding three months, shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted—

(*a*) by the Government in the case of a president or vice-president appointed under clause (*a*) of sub-section (2),

(*b*) by the Municipal Council, in the case of an elected president or vice-president.

Limit to grant of leave, and arrangements pending absence of president or vice-president.

(5) Leave under the last preceding sub-section shall not be granted for a period exceeding six months, and whenever leave is granted to a president or vice-president under that sub-section a councillor shall be appointed or elected, as the case may be, to perform all the duties and exercise all the powers of a president or vice-president during the period for which such leave is granted.

Liability of president and vice-president to removal, and term of office.

(6) Every president and every vice-president shall be removable from his office as such president or vice-president by the Government for misconduct, or neglect of or incapacity to perform his duty, and the term of office of every president, and of every vice-president,

shall cease on the expiry of his term of office as councillor, unless the term for which he shall have been appointed president or vice-president expires sooner.

Vacancies in their, office how to be filled up.

(7) In the event of the death, resignation or removal from office of a president or vice-president other than an ex-officio president or vice-president, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 15, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by the appointment or election, as the case may be, of some other councillor thereto.

Functions of presidents.

24. (1) It shall be the duty of the president of a Municipal Council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the Municipal Council, and, subject to the provisions of the rules for the time being in force under clause (*a*) of section 46, to regulate the conduct of business at such meetings;

(*b*) watch over the financial and executive administration of the Municipal Council, and, subject to the rules of the Municipal Council at the time being in force, to perform such executive functions as may be performed by or on behalf of the Municipal Council over which he presides;

(*c*) exercise supervision and control over the acts and proceedings of all officers and servants of the Municipal Council in matters of executive administration and in matters concerning the accounts and records of the Municipal Council; and, subject to the rules of the Municipal Council at the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*d*) furnish to the Deputy Commissioner, or to such other officer as the Deputy Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the Municipal Council and any extract from the minutes of the proceedings of the Municipal Council or of any committee or other document or thing which the Deputy Commissioner from time to time calls for under section 173.

President in what cases to have a casting vote.

(2) When there is an equality of votes of the councillors present for and against any proposition under consideration, the president shall have a second or casting vote.

Functions of vice-presidents.

25. (1) It shall be the duty of a vice-president of a Municipal Council to exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him.

(2) It shall be the duty of the vice-president, or, if there are more vice-presidents than one, of the senior vice-president present,—

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the Municipal Council, and he shall when so presiding exercise the the same authority as is vested in the president under clause (*a*) of sub-section (1) of section 24; and

(*b*) pending the succession, appointment, or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

CHAPTER III.—CONDUCT OF BUSINESS.

Municipal Meetings.

Provisions in regard to meetings of a Municipal Council.

26. The following provisions shall be observed with respect to the meetings of a Municipal Council:—

Ordinary general meetings.

(1) Except in the case of periodical Municipal Councils, there shall be held an ordinary general meeting in each month for the disposal of general business. In the case of every periodical Municipal Council there shall be such and so many ordinary general meetings, as the president thereof shall from time to time determine. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Special general meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the councillors, call a special general meeting.

Notice to be given of meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in the case of a

special general meeting, any motion or proposition mentioned in any written request made for such meeting.

Municipal meetings to be held at Municipal office.

(4) Every meeting of a Municipal Council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such Municipal Council.

Every meeting how presided over in the absence of the president and vice-president.

(5) Every meeting shall, if there be no president or vice-president present, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24.

Meeting must ordinarily be open to the public.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Municipal Council such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Number of councillors required to form a quorum.

(7) If, in the case of a City Municipal Council less than one-third, and in the case of any other Municipal Council less than one-half, of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be a quorum present or not.

What business to be transacted at meetings, and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting, in the written request for such meeting. The order in which any business that may be transacted or any proposition that may be discussed at any meeting in accordance with this sub-section, shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) In the case of every City Municipal Council there shall be kept in English, and, if the Municipal Council so resolve, in Kanarese also, and in the case of every other Municipal Council there shall be kept in Kanarese, and if the Municipal Council so resolve in English, either in lieu of or in addition to Kanarese, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (14), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 46.

Adjournments of meetings.

(11) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

Modification and cancellation of resolutions.

(12) No resolution of a Municipal Council shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors, and passed at a general meeting whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer or Educational Inspector.

(13) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the Municipal Council by a Government Executive Engineer, or to any educational matter, shall be transacted at any meeting of a Municipal Council unless, at least fifteen days previous to

such meeting, a letter has been addressed to the said Executive Engineer or to the Educational Inspector of the district, informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Certain Government officers may attend meetings of Municipal Councils.

(14) (*a*) The Executive Engineer, Educational Inspector and the Civil Surgeon in a district when charged with any of the duties of a health officer therein, if not members of a Municipal Council within the district, shall have the right of being present at any meeting of such Municipal Council, and, with the consent of the Municipal Council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such Municipal Council.

Provided that the said officers shall not, unless they are members of the Municipal Council, be entitled to vote upon any such question:

Municipal Council may require the presence of certain of the said officers at their meetings.

(*b*) If it shall appear to a Municipal Council that the presence of the Executive Engineer, Educational Inspector, or Civil Surgeon of or in the district, is desirable for the purpose aforesaid at any future meeting of such Municipal Council, it shall be competent to such Municipal Council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence, thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting.

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a Deputy or Assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

EXPLANATION.—The terms "Executive Engineer," "Educational Inspector" and "Civil Surgeon" in sub-sections (13) and (14) of this section include the principal Engineering, Educational and Medical officer, respectively, in or for the district.

(2) *Committees.*

Managing committees.

27. (1) For every Municipal Council there shall be a committee called the managing committee, consisting of such number of councillors not exceeding nine or less than three as may have been elected for a period not exceeding one year, in accordance with rules under clause (*a*) of section 46.

Powers of managing committees.

(2) The managing committee shall, subject,

(i) to any limitations prescribed by the Municipal Council specially in this behalf and generally by rules made under clause (*a*) of section 46, and

(ii) to the provisions of Chapter XIII, exercise all the powers of the Municipal Council.

Provided that no managing committee shall exercise—

(*a*) any powers in connection with any school or educational institution in respect of which a committee is appointed under section 28, or

(*b*) any powers with which any committee appointed under section 29 is vested.

School committees.

28. The Municipal Council may appoint, subject to such limitations as are prescribed by the rules for the time being in force under section 46 and subject also to the proviso contained in section 58, a committee consisting of such councillors as they think fit, for managing all or any primary or other schools vested in or maintained by the Municipal Council or for conducting the business of the Municipal Council in respect of any educational institutions aided by the Municipal Council.

Other executive committees.

29. Subject to the limitations prescribed by the rules aforesaid, the Municipal Council may appoint, for a period not exceeding one year, any such committee or such or so many committees consisting of such councillors as they think fit for any purpose or respectively for any of the purposes, other than those specified in section 28, for which a managing committee may, under section 27, exercise the powers of a Municipal Council, and may invest each committee so appointed with such of the said powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed.

Consultative committees.

30. The Municipal Council may from time to time appoint such or so many other committees consisting of such councillors as they think fit, and may refer to such committees for enquiry and report, or for opinion, such special subjects relating to the purposes of this Regulation as the Municipal Council shall think fit, and may at any time discontinue, or alter the constitution of, any such committee. The Municipal Council may direct that the report of any such committee shall be made to the managing committee, instead of to the Municipal Council.

When persons other than councillors may serve on committees.

31. Notwithstanding anything contained in this Regulation, it shall be lawful for the Municipal Council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 28, 29 or 30, any persons of either sex, who are not councillors, but who may in the opinion of such Municipal Council possess special qualifications for serving on such committee; provided that the number of persons so appointed on any committee shall not exceed one-third of the total number of the members of such committee.

Duties, etc., of such persons.

All the provisions of this Regulation relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall, save as regards the disqualification on the ground of sex, be applicable so far as may be to such persons.

Casual vacancies—re-eligibility.

32. A vacancy occurring in a managing committee shall, as soon as possible, and a vacancy occurring in any other committee may, be filled up by the election of a member from among the general body of councillors, subject to the same provisions as those under which the member whose place is to be filled up was elected. A councillor shall be eligible at any time for re-election as a member of any such committee notwithstanding that he has previously been a member of that committee.

When chairman to be ex-officio.

33. (1) The president or a vice-president, if appointed a member of any committee, shall be ex-officio chairman thereof.

When no ex-officio chairman, Municipal Council may appoint chairman.

(2) The Municipal Council may appoint a chairman for every committee of which there is no ex-officio chairman.

When ex-officio or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(3) Every committee, of which there is an ex-officio chairman or a chairman appointed by the Municipal Council, shall, at each meeting which such chairman does not attend as chairman, appoint from its members a chairman for such meeting.

If there is no chairman, ex-officio or appointed by the Municipal Council.

(4) Every committee, of which there is no ex-officio chairman or chairman appointed by the Municipal Council, shall appoint from time to time its own chairman from among its own members.

Procedure at meetings.

34. (1) The provisions of sub-sections (4), (9), (10) and (14) of section 26 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a Municipal Council contained in those provisions, and as if for the words "Municipal Council" where they occur in the proviso to clause (*a*) of sub-section (14) of section 26, there were substituted the word "committee."

Committee shall meet when they think proper.

(2) Committees may meet and adjourn as they think proper, but the chairman of the committee may, whenever he thinks fit, and shall, upon the written request of the president of the Municipal Council or of not less than two members of a committee, call a special meeting of such committee.

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-half of the members of the committee be present thereat.

Procedure by circular.

35. (1) Notwithstanding anything contained in the preceding section, the chairman of the committee, whenever it appears to him unnecessary to convene a meeting, may, instead of so doing, circulate a written proposition of his own, or of any other member of the committee, or of any executive officer of the Municipal Council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (13) of section 26, shall, obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the Municipal Council would be entitled to require under the provisions of clause (*b*) of sub-section (14) of section 26, desires to record.

Decisions how to be taken on propositions circulated;

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

and how to be recorded.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book kept under sub-section (9) of section 26.

(5) Notwithstanding anything in this Regulation contained, the Government may by notification authorize the adoption by any Municipal Council specified in such notification not being a City Municipal Council, of the procedure prescribed by this section, for the disposal of any business, whenever the president of such Municipal Council may deem it unnecessary to convene a general meeting for the purpose of such business.

Procedure by circular when applicable to other municipal business.

36. (1) Every committee shall conform to any instructions that may from time to time be given to them by the Municipal Council; the Municipal Council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorized or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Subordination of committees to instructions of Municipal Council, and compliance with requisitions of Municipal Council.

(2) Every order passed by a managing committee or by a committee appointed under section 28 or 29, other than orders under sub-section (3) of section 65, shall be subject to such revision, and open to such appeal, as may be required or allowed in respect thereof by any rules of the Municipal Council for the time being in force under section 46.

Orders subject to revision and appeal.

(3) *Delegation of powers to individuals.*

37. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipal Council may be delegated, in accordance with rules to be made by the Municipal Council in this behalf, to the president or to the vice-president, or to the chairman of the managing, school or other committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a Chief Officer of a City Municipal Council under Chapter XIII or on any committee by or under section 27, 28 or 29; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

Powers, duties and functions may be delegated to officers whose expenses may be paid.

(4) *Validity of Proceedings.*

38. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Regulation, shall be deemed to vitiate any act or proceeding of the Municipal Council or of any such committee, as the case may be, in which such person has taken part, whenever, the majority of persons, parties to such act or proceeding, were entitled to act.

Acts and proceedings of Municipal Council and committees not vitiated by disqualifications, &c., of members thereof.

(2) Until the contrary is proved, every meeting of the Municipal Council or of a committee appointed under this Regulation, in respect of the proceedings whereof a minute has been made and signed in accordance with this Regulation, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Proceedings of meetings to be good and valid, until the contrary is proved.

(3) During any vacancy in a Municipal Council or committee the continuing councillors or members may act as if no vacancy had occurred.

Vacancy not to affect Municipal Council's proceedings.

(5) *Joint transactions with other Bodies.*

39. A Municipal Council may from time to time—

Joint committees of two or more Municipal Councils.

(*a*) join with any other Municipal Council or with any District Board, or with more than one such Municipal Council or Board,

(i) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee; and

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work, and any power which might be exercised by either or any of such bodies; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed; and

(*b*) enter, subject to the sanction of the Government, into an agreement with a Municipal Council, regarding the levy of octroi duty, whereby the octroi duties respectively leviable by the bodies so contracting,

Agreement for joint levy of octroi.

may be levied together instead of separately within the limits of the area subject to the control of the said bodies.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government, or of such officer as it appoints in this behalf, shall be final.

(6) Contracts.

Competency of Municipal Council to lease, sell and contract.

40. (1) Every Municipal Council shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Regulation, have become vested in or been acquired by them, and, so far as is not inconsistent with the provisions and purposes of this Regulation, to enter into and perform all such contracts as they may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Subject in certain cases to sanction of Government.

(2) In the case of every lease of immovable property for a term exceeding seven years, and of every sale or other transfer of any such property, the previous sanction of the Government is required.

(3) In the case—

Sanction by resolution at general meeting requisite to validity of certain contracts.

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the Municipal Council by a resolution passed at a general meeting is required.

Sanction of Municipal Council when requisite in other cases.

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property belonging to a Municipal Council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the Municipal accounts, exceeds

(*a*) in the case of a City Municipal Council, Rs. 500,

(*b*) in the case of any other Municipal Council, Rs. 100,

the sanction of the Municipal Council is required.

Sanction by committees and individuals empowered.

(5) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of the managing committee, or of such other committee, or of such individual as under the provisions of this Regulation or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Mode of executing contracts.

(6) Every contract entered into by or on behalf of a Municipal Council, other than a contract to which sub-section (5) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the Municipal Council. Every contract to which sub-section (5) applies shall be executed by the chairman of the managing committee, or by the chairman of such other committee, or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of this section are fulfilled.

(7) No contract shall be binding on a Municipal Council in any case referred to in this section, unless all such requirements as are specified in sub-section (2), (3), (4) or (5) in respect of such case are fulfilled, and unless it is executed in accordance with the provisions of sub-section (6) applicable thereto.

(7) Compulsory acquisition of land.

Recourse to the Land Acquisition Regulation, 1894.

41. When there is any hindrance to the permanent or temporary acquisition, upon payment, of any land or building required for the purposes of this Regulation, the Government may, after obtaining possession of the same for Government under the Mysore Land Acquisition Regulation, 1894, or other existing law, vest such land or building in the Municipal Council on their paying the compensation awarded, and on their repaying to Government all costs incurred by Government on account of the acquisition.

(8) Liabilities of councillors, officers and servants.

Councillors to be held responsible for misapplied funds.

42. Every councillor shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by, gross neglect of his duty

as a councillor, and may be sued for recovery of the moneys so misapplied as if such moneys had been the property of Government.

Proviso.

Provided that no councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred, by, or on behalf of, the Municipal Council; the funds at the disposal of each Municipal Council shall be liable for, and be charged with, all costs in respect of any such contract or agreement and all such expenses.

Officer or servant of any Municipal Council not to be interested in any contract with such Municipal Council.

43. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of, a Municipal Council, or in any employment with, under, by, or on behalf of, a Municipal Council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such Municipal Council.

Effect of acquiring such interest.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant, and his office shall become vacant.

Saving clause.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a Municipal Council as, under clauses (ii) and (iv) of the proviso to sub-section (1) of section 15, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Penalty for councillor, officer or servant of a Municipal Council being interested in any contract, etc., with that Municipal Council.

44. (*a*) Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a Municipal Council of which he is a member, not being a share or interest such as, under section 15, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a Municipal Council of which he is an officer or servant, not being a share or interest such as under clauses (ii) and (iv) of the proviso to sub-section (1) of Section 15, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Penalties imposed by the Indian Penal Code.

45. (*a*) Every person holding the post of councillor or of an officer or servant of a Municipal Council, and every person authorised by the Municipal Council to collect or recover on behalf of the Municipal Council any tax, who

(i) accepts or obtains, or agrees to accept, or attempts to obtain, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or disservice to any person, with the Municipal Council or with any public servant, or with any municipal committee, officer or servant, as such, or with Government, or

(ii) does any act for which, or omits to do any act for the omission of which, if he were a public servant within the meaning of the Indian Penal Code, he would be liable to punishment, or to an enhanced punishment, under that Code; and

(*b*) every person who

(i) falsely pretends that he holds such post or is so authorised as aforesaid, and in such assumed character, does or attempts to do any act under colour of the character so assumed, or

(ii) does any such act, or is guilty of any such omission, to or in relation to any person holding such post or authorised as aforesaid with such intention or knowledge or in such circumstances as would, if the person holding such post or authorised as aforesaid were a public servant within the meaning of the Indian Penal Code, render the person so doing that act or so omitting as aforesaid, liable to punishment or enhanced punishment under that Code,

shall, if no punishment is, in such behalf, provided elsewhere in this Regulation, be liable to the punishment to which for the like offence he would, if every person holding such post or authorised as aforesaid were a public servant within the meaning of the Indian Penal Code, be liable under that Code.

CHAPTER IV.—RULES AND BY-LAWS.

Municipal Councils to make rules.

46. Every Municipal Council shall, as soon as conveniently may be after the constitution thereof, make and may from time to time alter or rescind rules, but not so as to render them inconsistent with this Regulation,

regulating the conduct of business;

(*a*) regulating the conduct of their business and the delegation of any of their powers or duties and, subject to the provisions of section 27, the appointment and constitution of committees;

fixing the functions of the president and the establishment;

(*b*) determining,

(i) the executive functions to be performed by the president, vice-president, the chairman of any committee, and, subject to the provisions of Chapter XIII, in City Municipal Councils by the Chief Officer, and the delegation of any of their powers or duties to such persons:

(ii) the staff of officers and servants to be employed by the Municipal Council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 37;

for general guidance of municipal servants;

(*c*) generally for the guidance of their officers and servants in all matters relating to the municipal administration;

fixing the amount of the security to be furnished;

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security;

determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.;

(*e*) subject to the provisions of section 184, determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant;

granting leave to municipal servants;

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

fixing pensions, etc.

(*g*) subject to the provisions of the Mysore Service Regulations and to the special orders of Government, if any, regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances; and prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations of any such officers or servants whose death has been caused through the execution of their duty;

contributing to provident funds;

(*h*) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the Municipal Council or with the approval of the Municipal Council by the said officers and servants;

prescribing the taxes, etc., to be levied for municipal purposes.

(*i*) prescribing, subject to the provisions of Chapter VII, the taxes to be levied in the municipality for municipal purposes, the grounds on which exemptions are to be recognised, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes, and the limits of the charges or payments to be fixed in lieu of any tax under section 71, and the fees to be charged for licenses or permissions granted under section 70, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any livestock distrained, and designating the persons authorised to receive payment of any sums so leviable;

for writing off amounts due and remitting fees.

(*j*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted by the managing committee.

Provided that—

Approval required to rules;

(*a*) No rule made, or alteration or rescission of a rule made, under this section shall have effect unless and until it has been approved by the Government.

(*b*) If an officer serving or having served under a Municipal Council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a Municipal Council, the Municipal Council shall contribute to his pension and leave allowances to the extent required by the rules in force for the time being, made by the Government in this behalf.

Proviso as to officers transferred from or to the service of Government.

(*c*) The Municipal Council shall not, unless with the assent of Government, dispense with the services of any such officer transferred from the service of Government to the service of the Municipal Council or employed partly by Government and partly by the Municipal Council, or finally dismiss from the service of the Municipal Council any officer transferred from the service of the Municipal Council to the service of Government.

Assent of Government required in certain cases of dismissal.

47. Subject to the requirements of clause (*a*) of the proviso to section 46, every Municipal Council may, except as otherwise provided in clause (*b*) of the proviso to section 74, at any time for any sufficient reason, suspend, reduce or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax under the provisions of clause (*i*) and of clause (*a*) of the proviso to section 46.

Power to suspend, reduce or abolish any existing tax.

48. (1) Every Municipal Council may from time to time, with the previous sanction of the Government, make, alter or rescind by-laws, but not so as to render them inconsistent with this Regulation—

Power to make by-laws:

(*a*) for the regulation and inspection of markets and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; and for fixing the rents and other charges to be levied for the use of any of them which belong to the Municipal Council;

for markets and slaughter-houses, &c.,

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the Municipal Council:—

for licensing, regulating and inspecting certain businesses;

(i) as a slaughter-house,

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables,

(iii) for any of the purposes mentioned in section 151,

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom;

(*c*) providing for the inspection of hotels, bakeries, sweetmeat shops and other places for the sale of articles intended for human food or drink other than those mentioned in clause (*b*), and for securing the cleanliness of such places and the wholesomeness of the articles prepared, kept or sold therein;

for inspecting hotels, &c.

(*d*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health;

regulating the stalling of cattle, &c.

(*e*) (i) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers;

for regulating dairies and cattle-sheds;

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter;

milk-stores, &c.

(*f*) for the inspection of weights and measures under section 143;

for inspection of weights and measures.

(*g*) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective;

for registration of births, &c.;

(*h*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead;

regulating the disposal of the dead;

for enforcing information as to epidemics;

(*i*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 144, 145 and 147;

for enforcing information as to liability to municipal taxation;

(*j*) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein;

octroi by-laws;

(*k*) fixing octroi limits and stations; providing for the exhibition of tables of octroi; regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

For protecting water;

(*l*) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the limits of the municipality; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the Municipal Council or not;

regulating public baths, &c.;

(*m*) regulating the use of public bathing and washing places within municipal limits;

for conservancy;

(*n*) regulating sanitation and conservancy;

for the disposal of carcasses;

(*o*) regulating the disposal of carcasses of dead animals;

regulating structures and buildings.

(*p*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on, public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health;

for providing for streets;

(*q*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets;

for ensuring ventilation;

(*r*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air;

requiring qualified surveyors and plumbers in City Municipalities;

(*s*) in a City Municipality, prescribing the qualifications of surveyors or persons by whom plans required under section 96 are to be prepared, or of plumbers; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licenses; and for modifying the provisions of, or revoking, such licenses; and prohibiting any alterations or repairs or fittings to water or drainage pipes or house-connections being carried out or made, except by such persons;

control of drains;

(*t*) regulating, in any other particular not specifically provided for in this Regulation, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cess-pools, water-closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the Municipal Council or not;

requiring information and plans in certain cases;

(*u*) determining the information and plans to be required by the Municipal Council under sections 91 and 96;

for controlling unwieldy traffic.

(*v*) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws;

provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been

posted up by the Municipal Council in conspicuous places at or near both ends of such street or portion of a street;

Regulating municipal administration.

(*w*) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of by-laws.

And every Municipal Council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

(2) Every Municipal Council shall, before making any by-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Publication of drafts of proposed by-laws.

(3) When any by-law made by a Municipal Council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law.

Objections and suggestions to be submitted to Government.

49. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Regulation in Kanarese and in the case of City Municipalities in English as well as in Kanarese, shall be kept on sale at cost price.

Rules and by-laws to be printed and sold.

CHAPTER V.—MUNICIPAL PROPERTY AND FUND.

50. (1) Every Municipal Council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality.

Power to acquire and hold property.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the Municipal Council and shall, together with all other property, of what nature or kind soever, not being specially reserved by the Government, which may become vested in the Municipal Council, be under their direction, management and control, and shall be held and applied by them as trustees, subject to the provisions and for the purposes of this Regulation; that is to say—

Property vested in the Municipal Council.

(*a*) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, and public buildings of every description.

(*b*) All public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well.

(*c*) All public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside, or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter, or filth, or rubbish of any kind collected by the Municipal Council from the streets, houses, privies, sewers, cesspools, or elsewhere.

(*d*) All public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto.

(*e*) All lands transferred to them by the Government, or by gift or otherwise, for local public purposes.

(*f*) All public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the Municipal Council under this section on such terms as the Government may determine.

Power to Government to resume property.

51. All moneys received by or on behalf of the Municipal Council by virtue of this or any other Regulation; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by them under this Regulation; all proceeds of land or other property sold by the Municipal Council, and all rents accruing from their land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the Municipal Fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section:

Municipal Fund.

Provided that—

(a) Nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any Municipal Council by any declarations of trust executed by or on behalf of such Municipal Council, or by any scheme settled by order of Government for the administration of any trust:

Provision as to special trusts.

(b) A Municipal Council may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on them by sections 54, 55, or by or under section 61, or Chapter XII, credit to a separate heading in the municipal accounts any portion of the municipal fund received by them specially for, or devoted by them to, the purposes of schools or dispensaries or of water-works or fire-brigades, or other such purposes as the Government in this behalf approves, and, provided that there shall be credited to such special heading such sums only as expressly relate to the object for which the fund designated by such heading was created, the Municipal Council may apply the sums so credited exclusively to the respective objects to which they are so credited.

When special trusts may be created.

52. All property vested in the Municipal Council under this Regulation, and all funds received by them in accordance with the provisions of this Regulation, and all sums accruing to them under the provisions of any law for the time being in force, shall be applied, subject to the provisions and for the purposes of this Regulation, within the limits of the municipality:

Municipal property and funds how to be applied.

Provided always that it shall be lawful for the Municipal Council, with the sanction of the Government or any officer duly authorised by Government in this behalf,—

(a) to incur expenditure beyond the said limits,—

(i) in the acquisition of land, or

(ii) in the construction, maintenance or repair of works,

for the purpose of obtaining a supply of water required for the inhabitants of the municipality, or of establishing slaughter-houses or places for the disposal of night-soil or of sewage or of carcasses of animals beyond the said limits, or for drainage-works, or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the said municipality; or

(b) to make a contribution towards expenditure incurred by any other Municipal Council, or in any area subject to the authority of a local board or incurred out of any public funds for measures affecting the health, instruction, or convenience of the public and calculated to benefit the residents within the limits of the contributing Municipal Council; or

(c) to create scholarships tenable outside the limits of the municipality.

Provided further that nothing in this section, or in any other provision of this Regulation, shall be deemed to make it unlawful for a Municipal Council, when with such sanction as aforesaid they have constructed works beyond the limits of the said municipality for the supply of water or for drainage as aforesaid—

(a) to supply, or extend to, or for the benefit of, any person or buildings or lands in any place, whether such place is or is not within the limits of the said municipality, any quantity of water not required for the purpose of this Regulation within the said municipality, or the advantages afforded by the system of such drainage-works, on such terms and conditions, with regard to payment and to the continuance of such supply or advantages, as shall be settled by agreement between the Municipal Council and such person or the occupier or owner of such buildings or lands, or

(b) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or alteration of any connection pipes, or other works necessary for the purpose of such supply or for the extension of such advantages.

53. (1) It shall be lawful for the Municipal Council to deposit at interest with the Government Savings Bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in their hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the Municipal Council, and from time to time to dispose of such securities as may be necessary.

Power to deposit and invest surplus funds.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government Treasury, or such other place of security as may be sanctioned by Government.

Surplus not so deposited or invested how to be dealt with.

CHAPTER VI.—OBLIGATORY AND DISCRETIONAL FUNCTIONS OF MUNICIPAL COUNCILS.

Duties of Municipal Councils,

54. It shall be the duty of every Municipal Council to make reasonable provision for the following matters within the municipality under their authority, namely:—

(*a*) lighting public streets, places and buildings;

(*b*) watering public streets and places;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipal Council or not; removing noxious vegetation; and abating all public nuisances;

(*d*) extinguishing fires, and protecting life and property when fires occur;

(*e*) regulating or abating offensive or dangerous trades or practices;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipal Council or belong to Government;

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams, and the like;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(*k*) naming streets and numbering houses;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief;

(*p*) establishing and maintaining primary schools;

(*q*) housing and maintaining destitute orphans and destitute cripples;

(*r*) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders require the Municipal Council to submit;

(*s*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the Municipal Council for the purposes of this Regulation or for the protection of any municipal property, and providing such accommodation as may be required by Government under the law in force relating to Police.

Special duties.

55. Subject to such reasonable provision as is mentioned in section 54, every Municipal Council shall make reasonable provision for the following special matters, namely:

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak, or to suppress and prevent the recurrence, of the disease;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

Discretionary powers of expenditure of Municipal Council.

56. Municipal Councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets;

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings;

(*c*) furthering educational objects other than those set forth in sub-clause (*p*) of section 54;

(*d*) planting and maintaining roadside and other trees;

(*e*) taking a census; and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*f*) making a survey;

(*g*) arrangements for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to Police;

(*h*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 151;

(*i*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the Municipal Council;

(*j*) establishing and maintaining a farm or factory for the disposal of sewage;

(*k*) any other measure not specified in sections 54 and 55, likely to promote the public safety, health, convenience, or education; and

(*l*) with the previous concurrence, in the case of City Municipal Councils of the Government, or, in other cases, of the Deputy Commissioner, any public reception, ceremony, entertainment, or exhibition within the Municipality.

Arrangements purporting to be binding permanently or for a term of years.

57. When a Municipal Council have entered into any arrangement, or made any promise, purporting to bind themselves or their successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the Municipal Council or their successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that they shall have given at least twelve months' notice of their intention so to do to the manager or managers of such institution.

Management of public institutions maintained by Municipal Councils to vest in them.

58. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the Municipal Council by which it is maintained:

Provided that the extent of the independent authority of any Municipal Council in respect of public education, and their relations with the Government Educational Department, shall from time to time be prescribed by the Government.

CHAPTER VII—MUNICIPAL TAXATION.

(1) *Imposition of taxes.*

Taxes which may be imposed.

59. Any Municipal Council—

(*a*) after observing the preliminary procedure required by section 60, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 61 the Government in according such sanction deems fit,

may impose, for the purposes of this Regulation, any one or more of the following taxes: that is to say,

(i) a rate on buildings, or lands, or both, situate within the municipality, not exceeding in any case,

(1) six per centum on the annual letting value in City Municipalities, and, in other Municipalities, eight annas for every hundred rupees or portion of hundred rupees of the market value up to Rs. 2,000, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of Rs. 2,000; and

(2) in respect of lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use, two annas for every eighty square yards;

(ii) a tax on all or any vehicles, boats, or animals used for riding, draught or burden, kept for use within the said municipality, at rates not exceeding in any case those specified in Schedule I;

(iii) a toll on vehicles and animals used as aforesaid, entering the said municipality, but not liable to taxation under the clause last preceding, at rates not exceeding in any case those specified in Schedule II;

(iv) an octroi on animals or goods, or both, brought within the octroi limits for consumption or use therein;

(v) a tax on dogs kept within the said municipality, not exceeding one rupee in any one case;

(vi) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required;

(vii) a general sanitary cess for the construction or maintenance, or both construction and maintenance, of public latrines, and for the removal and disposal of refuse;

(viii) a water-rate or water-rates for water supplied by the Municipal Council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case:

Provided that the total net proceeds of the rate, with the estimated income from payments for water-supply from the works under special contracts, shall not exceed the amount required for the annual maintenance of the water-supply works and for the repayment with interest of the capital outlay thereon in such number of years as may be fixed by Government;

(ix) a lighting tax, not exceeding in amount one-third of the rate leviable under clause (i);

(x) a tax on arts, professions, trades and callings, and on offices and appointments, at rates not exceeding those specified in Schedule III;

(xi) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in sub-clause (i) of clause (*a*) of section 60.

Provided that

(*a*) no tax imposed as aforesaid, other than a special sanitary cess or a water-rate, shall, without the express consent of Government, be leviable in respect of any building or part of any building, or of any vehicle, animal or other property, belonging to Government and used solely for public purposes, and not used or intended to be used for purposes of profit, or in respect of any building or part of a building ordinarily used as a place of public worship or used for charitable but not residential purposes, or set apart for the occupation of His Highness the Maharaja, or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja; and no toll shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja, or for the passage of Military or Police Officers on duty, or the passage or conveyance of any person or property in their custody;

(*b*) no special sanitary cess shall be leviable in respect of any private latrines, premises, or compounds, unless and until the Municipal Council have

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the Municipal Council to perform such cleansing and to levy such cess;

(*c*) the Municipal Council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (vii), (viii), and (ix), may impose a consolidated tax assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure of Municipal Council preliminary to imposing tax.

60. Every Municipal Council before imposing a tax shall observe the following preliminary procedure:—

(*a*) they shall, by resolution passed at a general meeting,

(i) select for the purpose one or more of the taxes specified in section 59;

(ii) prepare rules for the purposes of clause (*i*) of section 46 prescribing the tax or taxes selected;

and shall by such resolution and in such rules specify,

(iii) the class or classes of persons or of property, or of both, which the Municipal Council desire to make liable, and any exemptions which they desire to make;

(iv) the amount for which, or the rate at which, it is desired to make such classes liable;

(v) all other matters which the Government may so require to be specified.

(*b*) When such resolution has been passed, the Municipal Council shall publish the form of rules so prepared with a notice in the form of Schedule IV prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the class of persons or property to be made liable thereto, or to any exemptions proposed, may, within one month from the publication of the said notice, send his objection in writing to the Municipal Council; and the Municipal Council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon, and, unless they decide to abandon or to modify the proposed tax in accordance with such objections, shall submit the same with their opinion thereon, together with the notice and rules aforesaid, to the Government.

Power to sanction modify and impose conditions.

61. The Government may either refuse to sanction the rules submitted, or may return them to the Municipal Council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject

(i) to such modifications not involving an increase of the amount to be imposed, or

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this Regulation specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication of sanctioned rules with notice.

62. All rules sanctioned under section 61 with all modifications subject to which the sanction is given, shall be published by the Municipal Council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the Municipal Council in accordance with all conditions, if any, subject to which under section 61 the sanction was given:

Provided that

(*a*) a tax leviable by the year

(i) shall not come into force except on one of the following dates, *viz.*, the first day of July—the first day of October—the first day of January—the first day of April—in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter, till the first day of July then next ensuing;

(*b*) on or before the day on which a notice is issued under this section, the Municipal Council shall publish such further detailed rules as may be required, and as may have been approved by the Government under clause (*a*) of the proviso to section 46, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable;

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(2)—*Assessment of and liability to rates.*

Preparation of an assessment list.

63. (1) When a rate on buildings or lands or both is imposed, the Municipal Council shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing

(*a*) the name of the street or division in which the property is situated;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual letting value or other valuation on which the property is assessed; and

(*e*) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment on property as aforesaid, the Municipal Council may from time to time appoint any person or persons, whether councillors or not, and whether remunerated or not; and any person or persons so appointed may for such purpose make an inspection of any such property.

(3) On the requisition of the Municipal Council or of such person, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

Returns to be furnished.

(*a*) as to the name and place of abode of the owner or occupier or of both;

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

64. When the assessment-list has been completed the Municipal Council shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Publication of notice of assessment-list.

65. (1) The Municipal Council shall, at the time of the publication of such assessment-list, give public notice of a time, not less than one month thereafter, when they will proceed to revise the valuation and assessment; and, in all cases in which any property is for the first time assessed or the assessment is increased, they shall also give notice thereof to the owner or occupier of the property, if known.

Public notice of time fixed for revising assessment-list.

(2) All objections to the valuation and assessment shall be made to the Municipal Council before the time fixed in the notice, by application in writing, stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the Municipal Council for the purpose.

Objections how to be made.

(3) The managing committee, or any committee or committees to which the Municipal Council delegate the powers and functions of the managing committee in this behalf, or any officer of Government to whom, with the permission of the Government, the Municipal Council delegate, and they are hereby empowered so to delegate, the powers and functions of the managing committee in this behalf, shall, after allowing the applicant an opportunity of being heard in person or by agent,

Hearing of objections.

(*a*) investigate and dispose of the objections,

(*b*) cause the result thereof to be noted in the book kept under sub-section (2), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment-list.

(4) When all objections made under this section have been disposed of, and all amendments required by sub-section (3) have been made in the assessment-list, the said list shall be authenticated by the signatures of the Chairman and at least one other member of the managing committee or, if the Municipal Council have delegated the powers and functions of the managing committee in this behalf to any other committee or to an officer of Government, by the signatures of not less than two members of such committee or of the officer aforesaid, and the person or persons so authenticating the list shall certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been made therein.

Authentication of list.

(5) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons, and a notice that it is so open shall be forthwith published.

Custody and inspection of list.

(6) Subject—

(*a*) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

Authenticated list how far conclusive.

(*b*) to the result of any appeal made under section 86,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment-list.

66. (1) The Municipal Council may at any time alter the said list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the valuation of or assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice to any person interested in the alteration, of a time, not less than one month from the date of service of such notice, at which the alteration is to be made.

Objections how dealt with.

(2) Every objection made by any persons interested in any such alteration, before the time fixed in the notice, and in the manner provided by sub-section (2) of the last preceding section, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) Every alteration made under this section shall, subject to the result of an appeal under section 86, have the same effect as if it had been made on the earliest day in the current official year in which the circumstances justifying the alteration existed.

New assessment-list need not be prepared every year.

67. (1) It shall not be necessary to prepare a new assessment-list every year. Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the Municipal Council may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 64, 65 and 66 shall be applicable every year as if a new assessment-list had been completed at the commencement of the official year.

Tax from whom primarily leviable.

68. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the Municipal Council, or on a building lease from any person. Otherwise the said tax shall be primarily leviable as follows, namely:

(*a*) if the property is let, from the lessor;

(*b*) if the property is sublet, from the superior lessor;

(*c*) if the property is unlet, from the person in whom the right to let the same vests:

Recovery from occupiers.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio, which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater.

Remedy of occupier in such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Remission of tax in case of vacancies: when obligatory;

69. (1) When any building or land assessed to a rate, or in respect of which a special sanitary cess is payable, has remained vacant and unproductive of rent throughout the year, or the period in respect of which any instalment is payable, the Municipal Council shall remit or refund not less than one-half of the amount of such rate or cess or instalment, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the Municipal Council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discretional.

(2) When any such building or land as aforesaid—

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the Municipal Council may remit or refund such portion, if any, of the rate or cess or instalment as they may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purposes of this section a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) Power to charge Fees.

Municipal Council may charge fees for certain licenses.

70. (1) When any license is granted by the Municipal Council under this Regulation, or when permission is given by them for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the Municipal Council, the Municipal Council may charge a fee for such license or permission.

Market and other fees.

(2) The Municipal Council may also charge such fees as may be fixed by by-laws under clause (*a*) of sub-section (1) of section 48 for the use of any such places mentioned in that sub-section, as belong to the Municipal Council.

(4) Special Provisions relating to certain Taxes.

Fixed charges and agreements for payment in lieu of taxes for water supplied.

71. (1) The Municipal Council may, instead of imposing a water-rate, or in individual cases, of levying a rate imposed in respect of the supply of water belonging to the Municipal Council to, or for use in connection with, any private lands or buildings,

(*a*) fix, at rates not exceeding such as shall be specified in the rules in force under section 46, charges for such supply according to the quantity used, as ascertained by measurement,

(*b*) arrange with any person, on his application, to supply on payment, periodical or otherwise, water belonging to the Municipal Council in such quantities or for such purposes, whether domestic, ornamental, or irrigational, or for trade, manufacture or otherwise, on such terms and subject to such conditions as they shall fix by agreement with such person.

Provided that—

(*a*) the meters, connection pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the Municipal Council, and the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the Municipal Council, be defrayed by the persons liable in respect of such supplies, and

(*b*) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 48.

Power to fix a special rate in lieu of special sanitary cess.

(2) When the Municipal Council have made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, they may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate, and the dates and other conditions for periodical payments thereof, which shall be determined either,

(i) in accordance with the rules for the time being in force under section 46, or

(ii) by written agreement with the person who would have been otherwise liable for the cess, provided that, in fixing the amount, proper regard be had to the probable cost to the Municipal Council of the service to be rendered.

Power to compound tax on vehicles or animals.

(3) When the Municipal Council have imposed a tax on vehicles or animals kept for use within the municipality, they may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire, for the payment of a lump sum, for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Recovery of sums claimed under this section.

(4) Every sum claimed by the Municipal Council as due under sub-section (1) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (2) or as a lump sum payable under sub-section (3), shall for the purposes of Chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Certain rights not affected by section 71.

72. Nothing contained in section 71 shall affect the right or powers of the Municipal Council to contract with any person to supply for use beyond the limits of the municipality, at such rates and on such conditions as the Municipal Council may think fit, any quantity of water belonging to the Municipal Council but not required for the purposes of this Regulation.

Power of Government to suspend or prohibit levy of objectionable taxes.

73. If it shall at any time appear to the Government, on complaint made or otherwise that any tax, leviable by a Municipal Council, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said Municipal Council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may at any time, by a like notification, rescind any such suspension.

Power of Government to require Municipal Councils to impose taxes.

74. Whenever it appears to the Government that the balance of the municipal fund of any Municipal Council is insufficient for meeting the expenditure incurred under section 175 or under section 176 or for the performance of any duties in respect of which they shall have been declared under section 178 to have committed default, the Government may by notification require the Municipal Council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 59 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government consider fit, and the Municipal Council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the Municipal Council had been passed for the purpose under section 60:

Provided that—

(*a*) the Government shall take into consideration any objection which the Municipal Council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the Municipal Council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may at any time cancel or modify any requisition made by it under this sub-section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) Octroi and Tolls.

Octroi by-laws to be submitted with proposal for imposition of octroi.

75. Every Municipal Council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (*k*) of sub-section (1) of section 48, after observing the requirements of sub-sections (2) and (3) of that section.

Power to examine articles liable to octroi.

76. (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the Municipal Council, and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect examine and weigh and otherwise deal with the article; and

(*b*) communicate to that officer any information, and exhibit to him by any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond, the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the Municipal Council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate or such officer of the Municipal Council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

77. (1) Every officer demanding octroi by the authority of the Municipal Council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Presentation of bills for octroi.

(2) If goods passing into a Municipality are liable to the payment of octroi, then every person who, with the intention to defraud the Municipal Council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees, whichever may be greater.

Penalty for evasion of octroi.

78. Every Municipal Council imposing any toll under this Regulation shall cause to be kept at each place where such toll is to be collected a table in Kanarese, showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Tables of tolls to be shown on demand.

79. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a Municipal Council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle or animal on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal, or article seized a list of the property together with a written notice in the form of Schedule VII, that the said property will be sold as shall be specified in such notice.

Power to seize vehicle or animal on non-payment of octroi or toll.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Notice of sale.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the Municipal Council shall forthwith release the property seized.

Release of property on payment.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Sale.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the Municipal Council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the Municipal Council.

Surplus how dealt with.

80. The Municipal Council, if they think fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the Municipal Council of the octroi so due from any such firm or body as the Municipal Council specify in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the Municipal Council or any committee or officer authorised by them in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

81. When any agreement such as is referred to in clause (*b*) of section 39 has been entered into, such one of the bodies entering into the agreement as by the terms thereof shall be specified in this behalf, shall have the same power to establish such octroi limits and octroi stations as that body may deem necessary, for the entire area in which the octroi is to be collected, and shall have the same power of collecting octroi on animals or goods or both brought within the limits so established, and the provisions of this Regulation relating to octroi shall apply in the same way, as

Collection of octroi by one public body on behalf of others.

if the limits so established were wholly comprised within the area subject to the control of the body by which they are so established, and the collections made and the costs thereby incurred shall, subject to the provisions of section 39, be divided between the funds respectively subject to the control of the bodies so entering into the agreement, in such proportions as shall have been determined in the said agreement.

CHAPTER VIII.—RECOVERY OF MUNICIPAL CLAIMS.

Presentation of bill for taxes.

82. (1) When any amount—

(*a*) which, by or under any provisions of this Regulation, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (1) of section 79, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipality,

shall have become due, the Municipal Council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of bill.

(2) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the Municipal Council may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form of Schedule V, or to the like effect.

In what cases warrrant may issue.

83. (1) If the person liable for the payment of the said sum does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the Municipal Council, or of such officer as the Municipal Council by rule may appoint in this behalf, or in a City Municipal Council of the Chief Officer, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 86 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the Municipal Council in the form of Schedule VI or to the like effect, by distress and sale of the movable property of the defaulter.

Warrant by whom to be signed.

(2) Every warrant issued under this section shall be signed by the president of the Municipal Council causing the same to be issued, or in the case of a City Municipal Council by the chairman of the managing committee, or by an officer to whom the Municipal Council have delegated their powers under section 37 or by the Chief Officer, if any.

Power of entry under special order.

(3) It shall be lawful for any municipal officer to whom a warrant issued under sub-section (2) is addressed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance. Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

Warrant how to be executed.

(4) It shall also be lawful for such officer to distrain, wherever it may be found, any movable property of the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(*a*) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant, should not have been so distrained, they shall forthwith be returned.

(*c*) The officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure, a written notice in the form of Schedule VII that the said property will be sold as shall be specified in such notice.

Sale of goods distrained.

84. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or chairman or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when seized, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the Municipal Council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person from whose possession the property was taken, but if the same be claimed by written application to the Municipal Council within one year from the date of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the Municipal Council.

Fees and costs chargeable.

85. Fees for—

(*a*) every notice issued under sub-section (3) of section 82,

(*b*) every distress made, and

(*c*) the costs of maintaining any livestock seized under this section,

shall be chargeable at the rates respectively specified in such behalf in the rules of the Municipal Council, and shall be included in the costs of recovery to be levied under section 84.

Appeals to Magistrates.

86. Appeals against any notice of demand issued under sub-section (3) of section 82, may be made to any Magistrate or Bench of Magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within fifteen days next after service of the notice of demand complained of; and

(*b*) an application in writing, stating the grounds on which the claim of the Municipal Council is disputed, has been made to the Municipal Council as follows, that is to say:

(i) in the case of a rate on buildings or lands, within the time fixed in the notice given under section 65 or 66 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 82, within fifteen days next after the presentation of such bill; and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

Liability of land, buildings, etc., for rates.

87. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 68, shall, subject to prior payment of land revenue, if any, due to Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable,

and upon the movable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes.

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Suspension of power to recover by distress and sale.

88. The Government may at any time by notification suspend the operation of sections 83 and 84 in any municipality, in which there is not a City Municipal Council, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a Magistrate, in the manner provided in sub-section (2) of section 161 for the recovery of such fines as are therein referred to, and not otherwise.

Receipts to be given for all payments.

89. For all sums paid on account of any tax under this Regulation, a receipt stating the amount, and the tax on account of which it has been paid, shall be tendered by the person receiving the same.

CHAPTER IX—MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of Streets.*

Power regarding streets, etc.

90. (1) It shall be lawful for the Municipal Council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 40, to sell any such land, theretofore used or acquired by the Municipal Council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Regulation.

(2) In laying out or making, or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the Municipal Council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 40, may sell and dispose of the same in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as they may think fit.

Power to require repair of streets,

(3) When the Municipal Council consider that in any street, not being a public street, or in any part of such street, within the municipality, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the Municipal Council may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice.

and to declare such streets public.

(4) After such work has been carried out by such owners or, as provided in section 156, by the Municipal Council at the expense of such owners, the street or part thereof in which such work has been done shall on the joint requisition of a majority of the said owners, be declared by a public notice, put up therein by the Municipal Council, to be a public street.

Power to declare any street a public street subject to objections by the owners.

(5) A Municipal Council may, at any time, by notice fixed up in any street or part of a street not maintainable by the Municipal Council, give intimation of their intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street lodges or lodge objections thereto at the municipal office, the Municipal Council may, by notice in writing put up in such street, or such part, declare the same to be a public street.

New streets.

91. (1) Every person intending to lay out or make any new street, shall give notice in writing thereof to the Municipal Council, and shall furnish plans and sections showing the intended level, means of drainage, direction, and width of such street, if required by the Municipal Council to do so, and the level, means of drainage, direction, and width of every such street shall be fixed or appoved by the Municipal Council.

(2) Before passing orders under sub-section (1), the Municipal Council may either issue,

Power of Municipal Council to pass orders.

(*a*) a provisional order directing that, for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) a demand for further particulars.

(3) If

Right to proceed in certain cases.

(*a*) within one month from the receipt of the notice given under sub-section (1) the Municipal Council have neither

(i) passsed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (1) with regard to level, means of drainage, direction and width of the street, nor

(ii) under sub-section (2), issued any provisional order or demand for further particulars, or if

(*b*) the Municipal Council, having issued such demand for, and having received, in accordance with the demand and with the by-laws in force in this behalf, such further particulars, have issued no further orders within one month from the receipt of such particulars, then the street may be laid out and made, in such manner as may have been specified in the notice, and as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder.

Penalty.

(4) Whoever lays out, makes or builds upon any such street, either without giving the notice required by sub-section (1), or, except in accordance with the provisions of sub-section (3), without awaiting, or otherwise than in accordance with, the instructions issued by the Municipal Council, or in any manner contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the Municipal Council may cause any street so laid out or made to be altered, and any building erected in such street contrary to their directions to be altered, or removed, and the expense thereby incurred shall be paid to them by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(2) Powers to regulate buildings, etc.

Setting back projecting buildings.

92. (1) If any part of a building projects beyond the regular line of a public street either as existing or as determined upon for the future, or beyond the front of the building on either side thereof, the Municipal Council may,—

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the Municipal Council.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(2) If any land, not vested in the Municipal Council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the Municipal Council, after giving the owner of the land not less than fifteen clear days' written notice of their intention, or if the land is vested in Government, then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the Municipal Council.

Compensation payable by the Municipal Council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 160, shall be paid by the Municipal Council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Municipal Council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 119 applies.

Setting forward to regular line of street.

93. The Municipal Council may, upon such terms as they think fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Roofs and external walls of buildings not to be made of inflammable materials.

94. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Regulation shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the Municipal Council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Power to require removal of roof and wall if inflammable.

(2) The Municipal Council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such material as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Regulation came into force, and whether it was made with or without the consent of the Municipal Council.

Penalty.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such material as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Level of buildings.

95. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the Municipal Council, or into some stream or river, or some cesspool, or other suitable place which may be approved of by the Municipal Council.

Notice of new buildings.

96. (1) Before beginning to erect any building, or to alter externally or add to any existing building, or to reconstruct any projecting portion of a building in respect of which the Municipal Council is empowered by section 92 to enforce a removal or set-back, the person intending so to build, alter, or add shall give to the Municipal Council notice thereof in writing, and shall furnish to them, at the same time, if required by a by-law or by a special order to do so, a plan showing the levels at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Municipal Council, and all information they may require regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets.

Power of Municipal Council to pass orders.

(2) The Municipal Council may issue such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice, and may either give permission to erect or alter or add to the building according to the plan and information furnished, or may impose in writing such conditions as to level, drainage, sanitation or ventilation, or with reference to the location of the building in relation to any street existing or projected, or, where the Municipal Council have been specially empowered by Government in this behalf, such conditions as to design or materials or to the dimensions or the cubical contents of the rooms, as they think proper.

Or to suspend the work or to require further particulars.

(3) Before issuing any orders under sub-section (2), the Municipal Council may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than three months from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

Right to proceed in certain cases.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder in the following cases, that is to say :—

(*a*) in case the Municipal Council, within one month from the receipt of the notice given under sub-section (1), have neither

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work ;

nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars :

(*b*) in case the Municipal Council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars, have issued no further orders within one month from the receipt of such particulars.

Provided that no person, who becomes entitled under this sub-section to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first becomes entitled so to proceed therewith.

(5) Whoever begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to, such legal orders of the Municipal Council as may be issued under this section, or in any other respect contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the Municipal Council may—

(*a*) direct that the building, alteration, or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished, as they may deem necessary.

(6) The Municipal Council or any officer deputed by them may at any time inspect the erection of any building without giving notice of their or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, or at any time not later than one month after being informed in writing by the person responsible for giving a notice under sub-section (1) that the erection of the building, or the execution of any such work as aforesaid has been completed, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Regulation or of any by-law made under this Regulation at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or by-law to be amended, or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

EXPLANATION.—The expression "to erect a building" throughout this chapter includes

(*a*) any material alteration, enlargement or re-construction of any building,

(*b*) the conversion into a place for human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, reconstructed, converted, or added to, shall, for the purpose of this chapter, be deemed to be a new building.

Regulation of huts.

97. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Regulation comes into operation, without giving previous notice to the Municipal Council; and the Municipal Council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Municipal Council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to them may seem necessary. If any hut or shed or range or block be built without giving such notice to the Municipal Council, or otherwise than as required by the Municipal Council, the Municipal Council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the Municipal Council may think fit.

Improvement of huts.

98. (1) Whenever the Municipal Council are of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Regulation comes into operation or subsequently erected, are by reason

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants or the neighbourhood, they shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the Municipal Council for that purpose, to take down and remove such hut or shed, or to execute such operations as the Municipal Council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the Municipal Council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as they may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the Municipal Council, the Municipal Council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the Municipal Council until the person interested therein shall obtain the order of a competent Court for the payment of the same.

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the Municipal Council or in pursuance of their notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 160.

(3) Powers connected with Drainage, etc.

Municipal control over drains, etc.

99. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the Municipal Council.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the Municipal Council or other persons to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the Municipal Council may by written notice call upon the owner of any such covered sewers, drains, or cesspools to make provision accordingly.

Powers for making drains.

100. (1) In order to carry out any drainage scheme, it shall be lawful for a Municipal Council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

(2) The Municipal Council, or any officer appointed by them for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the Municipal Council has been already constructed, or may repair or alter any drain vested in the Municipal Council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 160, shall be paid by the Municipal Council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

101. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the Municipal Council, the Municipal Council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as they think necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to re-build any building, or to occupy any building newly erected or re-built, unless and until—

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the Municipal Council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto, all such appliances and fittings as may appear to the Municipal Council to

be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the Municipal Council direct.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

102. The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into the sewers of the Municipal Council, provided that he first obtains the written permission of the Municipal Council, and that he complies with such conditions as the Municipal Council prescribe as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Municipal Council and drains which are so vested.

Right to carry drain through land or into drain belonging to other persons how and on what conditions to be authorised by Municipal Council.

103. (1) If the owner or occupier of any building or land proves to the satisfaction of the Municipal Council that he cannot connect the same with any municipal drain otherwise than by means of a drain to be constructed through land, or to be connected with a drain belonging to or occupied by or in the use of some other person, the Municipal Council, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised or if any objection which is raised is in their opinion insufficient, by an order in writing authorise the owner or occupier first mentioned to carry his drain into, through or under the said land, or into the said drain as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains, as may appear to them to be adequate and equitable.

Written order of Municipal Council authority for execution of necessary work.

(2) Every such order shall be a complete authority to the person in whose favor it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset, and, subject to all the provisions of this Regulation, to do all such work as may be necessary—

(*a*) for the construction or connection of the drain, as may be authorised by the said order, or

(*b*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

Work how to be carried out.

104. In executing any work under section 103, as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

Rights of owner of land through which drain is carried, in regard to subsequent building thereon.

105. If the owner of any land into, through or under which a drain has been carried under section 103 whilst such land was unbuilt upon, shall at any subsequent time desire to erect a building thereon, the Municipal Council may, if they sanction the erection of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as they may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building; and may also, by written notice, require the person desiring to erect the building to make such alterations in the location of the building with reference to the drain, or in the details of the construction of the building, and on such terms, as the Municipal Council may deem to be necessary for the maintenance of the drainage connection.

Provision of privies, etc.

106. (1) In case the Municipal Council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the Municipal Council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the Municipal Council may deem proper.

(2) The Municipal Council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the Municipal Council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The Municipal Council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as they may direct any privy door or trap door which opens on to any street, and which they deem to be a nuisance.

Cost of altering, repairing and keeping in proper order privies, etc.

107. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the Municipal Council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the Municipal Council may by written notice require such owner to alter, repair, and put the same in good order in such manner as they think fit.

(2) The Municipal Council may by written notice demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Regulation, which in the opinion of the Municipal Council is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power to close existing private drains.

108. When any building or land within the municipality has a drain communicating with any cesspool or sewer, the Municipal Council, if they consider that such drain, though it may be sufficient for the drainage of such building or land, and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the municipality, may close such drain, and such cesspool or sewer, whether it is or is not on land vested in the Municipal Council, on providing a drain or drains equally effectual for the drainage of such building or land, and the Municipal Council may do any work necessary for the purpose.

Power in respect of sewers, etc., unauthorisedly constructed, re-built or unstopped.

109. The Municipal Council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, re-built or unstopped—

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general regulations or by-laws of the Municipal Council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as they may deem fit, by the person by whom it was so constructed, re-built or unstopped, and every person so constructing, re-building or unstopping any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith, shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

110. (1) Whoever, without the written consent of the Municipal Council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the Municipal Council, shall be punished with fine which may extend to twenty-five rupees, and the Municipal Council may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as they may think fit.

(2) No building shall be newly erected or re-built over any sewer, drain, culvert or gutter vested in the Municipal Council without the written consent of the Municipal Council, and the Municipal Council may by written notice require the person who may have erected or re-built such building to pull down or otherwise deal with the same as they may think fit.

111. (1) The Municipal Council or any officer appointed by them for such purposes may, subject to the restrictions of this Regulation, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be.

Inspection of drains, etc.

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the Municipal Council unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any by-laws of the Municipal Council in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Expense of inspection when to be borne by the Municipal Council.

112. (1) The Municipal Council may, if they think fit, cause any work of the nature to which this sub-chapter applies, to be executed by municipal or other agency under their own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Municipal Council may execute certain works under this sub-chapter without allowing option to persons concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the Municipal Council shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

Expenses in such cases by whom to be paid.

(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the Municipal Council, be deemed to be municipal property, unless the Municipal Council shall have transferred their interest therein to the owner of such buildings or lands.

(4) Powers regarding external structures, etc.

113. (1) The Municipal Council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the Municipal Council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

Permission necessary for certain projections.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

(3) The Municipal Council may by written notice require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

Removal of projections.

(*a*) overhangs or juts into, or in any way projects or encroaches upon, any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer, or the proper working thereof:

Provided always that the Municipal Council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the Municipal Council, make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 160.

114. The Municipal Council may by written notice require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from

Troughs and pipes for rain water.

the roof and other parts of such building, and for discharging the same, in such manner as they may think fit, so that it shall not fall upon the persons passing along the street.

Fixing of brackets etc., to houses.

115. The Municipal Council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or, subject to the provisions of the law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive purposes, or such pipes as they may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming streets and numbering houses.

116. (1) The Municipal Council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the Municipal Council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Penalty for defacing building, etc.

117. Any person

(*a*) who, without the consent of the owner or occupier, affixes any posting bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence or pale, or

(*b*) who, without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall, board, fence or pale with chalk or paint or in any other way whatsoever,

shall be punished with fine which may extend to twenty rupees.

Removal and trimming of hedges, trees, etc.

118. The Municipal Council may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct, or which they deem likely to overhang, endanger, or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of Public Health, Safety and Convenience.*

Ruinous or dangerous buildings.

119. (1) If any building, or anything affixed thereon, be deemed by the Municipal Council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the Municipal Council shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers; all expenses incurred by the Municipal Council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Action to be taken on default by owner or occupier.

(2) The Municipal Council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier do not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the Municipal Council shall cause all or so much of such building or thing, as they shall think necessary, to be taken down, repaired, or otherwise secured.

Proviso if danger is not imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the Municipal Council, instead of themselves causing a hoard or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoard or fence, and in the event of the owner or occupier failing to put up within two days from the service of such notice a hoard or fence which the Municipal Council consider sufficient in the circumstances of the case, the Municipal Council shall at once cause such hoard or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

120. (1) The Municipal Council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not,

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(*c*) in such manner as the Municipal Council prescribe, protect any such source of water-supply from pollution by surface drainage, or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Municipal Council approve, any such source of water-supply other than a stream in its natural flow, if for want of sufficient repair, protection or inclosure, such source of water-supply is in the opinion of the Municipal Council dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(*e*) desist from using and from permitting others to use for drinking purposes any such source of water supply which, not being a stream in its natural flow, is proved to the satisfaction of the Municipal Council to be unfit for drinking; or

(*f*) if notwithstanding any such notice under clause (*e*) such use continues and cannot in the opinion of the Municipal Council be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the Municipal Council consider sufficient to prevent such use, such source of water-supply as aforesaid; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Municipal Council consider is injurious to health or offensive to the neighbourhood.

Remedy on non-compliance with directions issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the Municipal Council may, and if in their opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the Municipal Council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the Municipal Council or necessarily incurred by such owner or person having such control, may, if the Municipal Council so direct, be paid from the municipal fund.

Displacing pavements, etc.

121. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the Municipal Council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, shall fail to replace or restore the same to the satisfaction of the Municipal Council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurrred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Obstructions and encroachments upon public streets and open spaces.

122. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The Municipal Council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment

of the like nature in any open space not being private property, whether such space is vested in the Municipal Council or not, provided that if the space be vested in Government the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the Municipal Council from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 113, or in any case where permission has been given under sub-section (4) of this section.

Hoards to be set up during repairs, etc.

123. (1) Every person intending to build or take down any buiding, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work,

(*a*) first obtain a license in writing from the Municipal Council so to do, and

(*b*) cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Municipal Council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the Municipal Council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees, for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Fencing and lighting during repairs, etc.

124. (1) The Municipal Council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains, or posts to be fixed across or in any of the streets to prevent the passage of carriages, carts, or other vehicles, or of cattle or horses, while such works are carried on, as to them shall seem proper; and the Municipal Council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the Municipal Council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

125. (1) No person shall, without the written permission of the Municipal Council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the Municipal Council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the Municipal Council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Dangerous quarrying.

126. If in the opinion of the Municipal Council the working of any quarry, or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof, or creates or is likely to create a nuisance, the Municipal

Council may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal, not to continue or permit the working of such quarry or the removing of such material, or to take such order with such quarry or place as the Municipal Council shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Provided that if such quarry or place is vested in Government, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of Government, or any person acting with the permission or under the authority of Government or of any officer of Government acting as such, the Municipal Council shall not take such action unless and until the Deputy Commissioner has consented to their so doing.

Provided further that the Municipal Council shall immediately cause a proper hoard or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section it appears to them to be necesary in order to prevent imminent danger, and any expense incurred by the Municipal Council in taking action under this section shall be paid by such owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(6) Powers for the Prevention of Nuisances.

Depositing dust, etc.

127. (1) Whoever deposits, or causes or suffers any member of his family or household to deposit, any dust, dirt, dung, ashes, garden, kitchen or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthen-ware or other rubbish, or any other thing that is or may be a nuisance, in any street or in any arch under a street, or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the Municipal Council, and whoever commits, or suffers any member of his family to commit, nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts, or causes or suffers any member of his family or household to throw or put, any of the matter above described, or, except with the permission of the Municipal Council, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

128. Whoever causes or allows the water of any sink or sewer, or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Municipal Council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

129. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from, and to cleanse and purify, such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees, for every day on which such offence is continued, after the date of the first conviction.

Removal of night-soil.

130. (1) The Municipal Council may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter.

(2) Whoever,

(*a*) when the Municipal Council have fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or

(*b*) at any time, whether such hours have been fixed by the Municipal Council or not,

(i) uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or

(ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(iv) places or sets down in any public place any vessel containing such offensive matter, or

(v) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid, through any street or by any route, other than such as shall from time to time be appointed for that purpose by the Municipal Council by public notice,

shall be punished with fine which may extend to twenty-five rupees.

Filthy buildings, etc.

131. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the Municipal Council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the Municipal Council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the Municipal Council to render it unfit for human habitation, they may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Deserted and offensive buildings.

(3) If any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby

(*a*) becoming a resort of idle and disorderly persons, or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(*b*) coming into use for any insanitary or immoral purpose, or

(*c*) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the Municipal Council, if they consider such objection cannot under any other provision of this Regulation be otherwise removed, may, if there is any person known or resident within the municipality who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building, require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed; and in the event of non-compliance with such requirement, the Municipal Council, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by them in so doing, and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Power to enter and inspect, etc., buildings.

132. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the Municipal Council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Bathing places.

133. (1) The Municipal Council may set apart sufficient public places for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use, for any purpose mentioned in this section of any or all other public places within the municipality.

(2) Copies of all orders passed and notices issued by the Municipal Council and for the time being in force under this section, shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.

Fouling water.

134. (*a*) Whoever, in disobedience of any order of the Municipal Council under section 133, or of any by-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit or aqueduct belonging to the Municipal Council, or washes, or causes to be washed, therein any animal or any thing whatever, or throws, puts or casts or causes to enter therein any animal or any thing, or causes or suffers to run, drain or be brought thereinto any thing that is, or may become, a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and

(*b*) whoever, without permission of the Municipal Council, steeps in any tank, stream, or ditch within, or on the boundary of, the municipality any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance,

shall be punished with fine which may extend to fifty rupees.

Abatement of nuisances.

135. When any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, or any channel or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise, shall appear to the Municipal Council to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Municipal Council may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall, in their opinion, be necessary to abate or remove the nuisance.

Using offensive manure, etc.

136. Whoever, except with the written permission of the Municipal Council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

Tethering cattle, etc.

137. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Consumption of smoke.

138. (1) It shall be lawful for the Municipal Council to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipality, whether a steam-engine be or be not used or employed therein, shall in all cases be constructed, supplemented or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace.

(2) If any person shall after such direction use, or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending, being the owner or occupier of the said works or buildings or, being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees, and upon any subsequent conviction to five hundred rupees.

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

(7) Regulation of Markets, Sale of Food, etc.

Licensing markets and slaughter-houses.

139. (1) It shall be lawful for the Municipal Council to direct that no place shall be used as a market for the sale of animals, meat, fish, fruit or vegetables intended for human food, or as a slaughter-house, excepting the public markets or slaughter-houses constructed or opened by the Municipal Council, or such other markets or slaughter-houses as may have been licensed in writing by the Municipal Council, who may, at their discretion, from time to time grant, suspend, withhold or withdraw such licenses, either generally or in individual instances.

(2) No person shall in any municipality in which by-laws are in force prescribing the conditions on and subject to which, and the circumstances in which, licenses for shops for the sale of such commodities may be granted, refused, suspended or withdrawn, use without a license from the Municipal Council granted in accordance with by-laws made under clause (*b*) of sub-section (1) of section 48 any place as a shop for the sale of animals, meat, or fish, intended for human food, except in a municipal or licensed market.

(3) Whoever contrary to such direction or without the license required as aforesaid, or otherwise than in accordance with the conditions on or subject to which such license was granted, sells or exposes for sale any such animals or commodities, or uses or permits the use of a place as a shop for the sale thereof, or uses any place as a slaughter-house, shall be punished with fine which may extend to twenty-five rupees.

(4) Upon a conviction being obtained in respect of any place which has, without or during the suspension or after the withdrawal of a license, been used or permitted to be used as a slaughter-house or shop for such sale as aforesaid, the Magistrate shall, on the application of the Municipal Council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps, to prevent such place being so used: and every person who so uses or permits the use of the place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

(5) Nothing contained in this section shall apply to the use of any hotel or eating house for the sale of food served for consumption on the premises.

Opening, closing, and letting of markets and slaughter-houses.

140. (1) The Municipal Council may from time to time open or close any public market or slaughter-house. They may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house, or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house.

(2) Any person who, without the permission or license of the Municipal Council shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

Slaughter-houses, etc., beyond municipal limits.

141. It shall be lawful for the Municipal Council, with the sanction of the Deputy Commissioner, to establish slaughter-houses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Regulation and of by-laws in force thereunder relating to such places within municipal limits, shall have full force therein, as if such places were within the municipal limits.

Search for and inspection of unwholesome articles.

142. (1) The president, vice-president or any councillor or officer authorised by the Municipal Council in this behalf—

(*a*) may at all reasonable times enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale, or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein; and

(*b*) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same.

Any article which is of a perishable nature may, under the orders of the president, vice-president or chairman of the managing committee or of a committee appointed under section 29 to exercise all or any of the powers vested in the Municipal Council under this sub-chapter, if in his opinion it is diseased, unsound, unwholesome or unfit for food, drink and medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate.

If it appear to the Magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the Magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine.

Adulterated articles for food or drink.

(2) In every municipality to which the Government may by notification have declared this sub-section to apply, whether as regards food or drink of all kinds or of any specified kind,

if any article to which this sub-section is applicable as aforesaid, is intended for food or drink, and is in any place mentioned in sub-section (1), the president, vice-president or officer authorised as aforesaid, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a Magistrate upon sufficient evidence that such article is

not what it is represented to be, such Magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or use for food or drink, and the owner thereof or the person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

EXPLANATION.—If such article having been exposed or stored in, or brought to any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be, for the purposes of this sub-section, an article which is not what it is represented to be.

Protection to persons acting in good faith.

Provided that when any article of food or drink referred to in this sub-section appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate—

(*a*) that such substance has been added to the article of food or drink, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or of drink or conceal the inferior quality thereof, or

(*b*) that in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or drink or by other means of public description, he has given sufficient notice that such substance has been so added, or

(*d*) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

Application for summons to be refused if not applied for within reasonable time.

(3) In all prosecutions under this section the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

False weights and measures.

143. The president, vice-president, or any councillor, or officer authorised by the Municipal Council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of Dangerous Diseases.*

Powers which may at any time be conferred.

144. (1) The Government may at any time confer by notification on any Municipal Council designated therein, all or any of the powers specified in sub-section (2), and such Municipal Council shall, subject to all such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe in such behalf, exercise within the municipality every power so conferred on them, for such period as may be specified in this behalf in any such notification, or if no period is so specified, then until such power is withdrawn.

(2) The powers, all or any of which may be conferred under the preceding sub-section, are:—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner, who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the Municipal Council in that behalf;

(*b*) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, if any place in which any dangerous disease is reported or suspected to exist, and the taking of measures to prevent the spread of the disease beyond such place;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the Municipal Council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease;

(*d*) power to direct or cause the removal, on a certificate signed by any duly qualified medical practitioner authorised by the Municipal Council in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment;

(*e*) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the Municipal Council in the circumstances of the case consider reasonable, at the expense of the Municipal Council;

(*f*) power to provide the means, and to prescribe places, for disinfecting or washing bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof;

(*g*) power—

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease and,

(ii) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(iii) to direct that any conveyances that may at any time be used for conveying any such person shall be immediately disinfected;

(*h*) power to prohibit—

(i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmasala, theatre, market or other place of public resort: or

(ii) any person in charge of any person so suffering from so exposing such sufferer;

(*i*) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any dangerous disease;

(*j*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the Municipal Council or of such officer as the Municipal Council appoint in this behalf;

(*k*) power, with the previous permission in each case of a Magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The Municipal Council may, in their discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the Municipal Council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience to an order passed in exercise of such powers.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the Municipal Council in exercise of any power conferred on such Municipal Council under this section, or obstructs any officer of the Municipal Council or other person acting under the authority of the Municipal Council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of Municipal Council on threatened or actual outbreak of dangerous disease.

145. (1) In the event of the municipality or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease, the Municipal Council shall take all such measures as they deem necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak.

(2) In such event as aforesaid the Government may, by special notification, declaring that such municipality is threatened or visited with an outbreak of a dangerous disease, confer on the Municipal Council all or any of the additional powers specified in the following sub-section, and such Municipal Council shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on them until the same is withdrawn by means of a like notification.

(3) The powers, all or any of which may be conferred under the preceding sub-section, are—

(*a*) power to order, subject to the conditions,

(i) that the permission of a Magistrate exercising not less than second class powers shall be in each case first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling, or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein;

(*b*) power to direct the examination by a medical officer of persons and, if necessary, the disinfection of the clothing, bedding or other suspicious articles belonging to persons, either arriving from places outside the municipality, or residing in any infected building or building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such time and places as may be prescribed, for a period not exceeding ten days;

(*c*) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the Civil Surgeon, or other senior Medical Officer of the District or other medical officer appointed by the Government in this behalf, such assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(4) The Municipal Council may, in their discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section; but except as allowed by the Municipal Council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(5) If, in any municipality in which such declaration under sub-section (2) as aforesaid is for the time being in force, any person—

Penal clauses.

(*a*) knowingly disobeys any order which for the time being is in force in such municipality and which has been passed by the Municipal Council in exercise of any power conferred on them under section 144 or under this section, or

(*b*) obstructs any officer of the Municipal Council or other person acting under the authority of the Municipal Council in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees.

Withdrawal and modification of powers and orders.

146. (1) The Government may at any time

(*a*) withdraw any power conferred under section 144 or under section 145;

(*b*) cancel or modify any limitation, restriction or condition prescribed in respect of any such power; or

(*c*) cancel any order passed by a Municipal Council in exercise of any such power.

(2) Every order passed by a Municipal Council in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipality.

Duties of Municipal Council in respect of diseases among horses, dogs, cattle, sheep or goats.

147. If in any municipality any infections disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the Municipal Council shall take all such measures as they deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

148. (1) Whenever the Municipal Council consider the interior of a building is so overcrowded as to be or to be likely to become, dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Municipal Council may cause proceedings to be taken before a Magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Procedure of Magistrate.

(2) Such Magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet the landlord of the lodgers, tenants or other actual inmates of the same shall for the purpose of this sub-section be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fill the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.

149. (1) If the Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

(*a*) the manner in which either buildings, or blocks of buildings, already existing or projected therein, are, or are likely to become, crowded together, or

(*b*) the impracticability of cleansing any such buildings, or blocks of buildings, already existing or projected, or

(*c*) the want of drainage or scavenging, or the difficulty of arranging therein for the drainage or scavenging of any such buildings or blocks or area as aforesaid; or

(*d*) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings;

the Government may by notification confer on the Municipal Council, to which such area is subject, all or any of the powers specified in sub-section (2), and may, if it deem necessary, at any time make rules prescribing any limitations, restrictions, modifications, conditions or regulations, subject to which the Municipal Council shall exercise within that area all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of Government.

(2) The powers, all or any of which may be conferred on a Municipal Council under sub-section (1), are as follows:—

(*a*) power, when any building or block, already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the Municipal Council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicious part of such building or block, and addressed as the Municipal Council deem fit either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall, within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or execute such works or take such action in connection therewith as the Municipal Council deem necessary to prevent all such risk of disease;

(*b*) power by Municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein;

(*c*) power, subject to a right of appeal to the Deputy Commissioner, whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space, and by general notice published in the manner provided in sub-section (3) of section 154, the erection of any building or of any building exceeding such dimensions as may be specified,

(i) on the site of any building which has, in whole or in part, in exercise of the power specified in clause (*a*), been pulled down, or

(ii) on any space not occupied by buildings, whether such space is private property or not, and whether it is enclosed or not,

if the Municipal Council consider that, in order to prevent such risk as aforesaid such site or space should not be built upon, and either

(*a*) to acquire such site or space, or

(*b*) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof.

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 160, shall be paid to any person whose rights are affected by such prohibition.

(3) When, in pursuance of any notice under sub-section (2), any building has been pulled down, the Municipal Council shall, unless it has been erected contrary to any provision of this Regulation or of any by-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 160.

(4) In making any rules under sub-section (1) the Government may prescribe a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of any order made or conditions imposed by the Municipal Council in exercise of the powers conferred upon them under this section or in pursuance of such rules.

Closing of places for disposal of the dead.

150. (1) If the Municipal Council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, they may submit their opinion with the reasons therefor to Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kanarese shall be published in the Official Gazette, and shall be posted up at the Municipal Office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation of certain trades.

151. If it be shown to the satisfaction of the Municipal Council that any building or place used or intended by any person to be used,

(*a*) for boiling or storing offal, blood, bones or rags;
(*b*) for salting, curing and storing fish;
(*c*) for storing hides, horns or skins;
(*d*) for tanning;
(*e*) for the manufacture of leather or leather goods;
(*f*) for dyeing;
(*g*) for melting tallow or sulphur;
(*h*) for washing or drying wool or hair;
(*i*) as a brick, pottery or lime kiln;
(*j*) for soap-making;
(*k*) for oil-boiling;
(*l*) as a manufactory of sago;
(*m*) as a distillery;
(*n*) for storing hay, straw, fodder, wood, coal or other combustible material;
(*o*) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells arise, or which may involve risk of fire,

is, or is likely by reason of such use and of its situation to become, a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the Municipal Council may by written notice require the owner or occupier—

(i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or

(ii) to use it in such manner, or after such structural alterations, as the Municipal Council in such notice prescribe, so that it may not become or may be no longer, a nuisance or dangerous.

Liability to penalty after notice.

152. (1) Whoever, after notice has been given under section 151, uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health, or property, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(2) Upon a conviction being obtained under this section the Magistrate shall, on the application of the Municipal Council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps to prevent such place being used for any purpose mentioned in section 151.

Penalty for unlicensed places in a municipality in which by-laws under section 48 (*b*) (iii) are in force.

(3) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in section 151 in any municipality in which by-laws are for the time being in force prescribing the conditions on and subject to which, the circumstances in which, and the areas and localities in respect of which, licenses for such use may be granted, refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Brothels.

153. In any municipality to which, on the application of the Municipal Council, the Government may by notification have declared this section to apply, any Magistrate of the first class, on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it, and, if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

Provided that action under this section shall be taken only

(*a*) with the sanction or by the order of the District Magistrate, or

(*b*) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) Service of Notices, and Penalties on non-compliance therewith.

Service of notices, etc., addressed to individuals.

154. (1) The service of every notice, and the presentation of every bill under this Regulation, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or registered servant or other person authorised by the Municipal Council in this behalf,

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address; or

(*d*) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notices, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Regulation is required or permitted by or under this Regulation to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Regulation shall be effected either—

(*a*) by giving or tendering the notice or bill to the owners or occupiers, or if there be more owners or occupiers than one, to any one of them; or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid; or

(*c*) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

(3) Every notice which this Regulation requires or empowers a Municipal Council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local papers or in such other manner, as the Municipal Council in by-laws in this behalf prescribe.

Defective form not to invalidate notice or bill.

(4) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the Municipal Council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Municipal Council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 160.

Punishment for disobedience to orders and notices not punishable under any other section.

155. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a Municipal Council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the Municipal Council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupess, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation.

Municipal Council in default of owner or occupier may execute works and recover expenses.

156. (1) Whenever, under the provisions of this Regulation, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the Municipal Council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to them by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as to the Municipal Council may seem fit.

Provided that

Agreement for construction of drainage and water connections.

(*a*) Whenever any drainage scheme or water-works scheme has been commenced by any Municipal Council, it shall be lawful for the Municipal Council, without prejudice to their powers under sub-section (1) or section 101 or any other provision of this Regulation, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the Municipal Council shall render, and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement, or in default, in the manner described in sub-sections (2) and (3).

Provided also that

Improvement expenses.

(*b*) when an order has been passed under sub-section (3) of section 90, sub-section (1) of section 91, sub-section (2) or (6) of section 96 or under section 99, 101, 106 or 107, or when permission has been given under section 102, or when an agreement has been made under proviso (*a*) of this sub-section, the Municipal Council may without prejudice to any other powers under this Regulation, if they think fit, declare any expenses incurred as aforesaid by the Municipal Council to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the Municipal Council decide, including interest at the rate of six per cent. per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).

Power to levy charges on occupier, who may deduct the same from his rent.

(2) If the defaulter be the owner of the building or land, the Municipal Council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who

then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Regulation on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the Municipal Council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

157. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land, may, with the approval of the Municipal Council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings if any occupier opposes the execution of the Regulation.

158. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Regulation, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Regulation, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Entry for purposes of the Regulation.

159. It shall be lawful for the president or vice-president, or any councillor or officer authorised by the Municipal Council for such purposes, to enter for the purposes of this Regulation, between sunrise and sunset, into and upon any building or land, as well for the purpose of making any survey or inspection they may be entitled to make as for the purpose of executing any work authorised by this Regulation to be executed by them.

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Arbitration in cases of compensation, etc.

160. (1) If a dispute arises with respect to any compensation, damages, costs or expenses which are by this Regulation, directed to be paid, the amount, and if necessary the apportionment of the same, shall be ascertained and detemined by a Panchayat of five persons of whom two shall be appointed by the Municipal Council, two by the party to receive compensation, and one, who shall be presiding member, shall be selected by the members already appointed as above.

(2) If either party, or both parties, fail to appoint members, or if the members fail to select a presiding member within one month from the date of either party receiving written notice from the other of claim to such compensation, damages, costs or expenses, such members as may be necessary to constitute the Panchayat shall be appointed, at the instance of either party, by the District Judge.

(3) In the event of the Panchayat not giving a decision within one month from the date of the selection of the presiding member, or of the appointment by the District Court of such members as may be necessary to constitute the Panchayat, the matter shall, on application by either party, be determined by the District Court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the Court.

Provided that

(*a*) no application to the Deputy Commissioner for a reference shall be necessary, and

(*b*) the Courts shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

CHAPTER X—PROSECUTIONS, SUITS AND POWERS OF POLICE.

Municipal Council may prosecute.

161. (1) The Municipal Council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrate.

(2) Any prosecution under this Regulation or under any by-laws thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to such Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Distress lawful though defective in form.

162. No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Damage to municipal property how made good.

163. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the Municipal Council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

164. In lieu of proceeding by distress and sale, or in case of failure to realise by so proceeding the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages awarded under this Regulation, it shall be lawful for the Municipal Council to sue in any Court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any other way caused, or may appear likely to cause, any injury to any property, rights or privileges of the Municipal Council.

Power of compromise.

165. (1) The Municipal Council may compound or compromise in respect of any suit instituted by or against them, or in respect of any claim or demand arising out of any contract entered into by them under this Regulation, for such sum of money or other compensation as they shall deem sufficient.

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The Municipal Council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in them, their officers, and servants under this Regulation.

Assistance for the recovery of rent on land.

166. For the purpose of the recovery of any amount due on account of rent from any person to a Municipal Council in respect of any land vested in such Municipal Council, the Municipal Council shall be deemed to be superior holders, and every such person an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the Municipal Council, as superior holders, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Limitation of suits, etc.

167. No suit shall be commenced against any Municipal Council, or against any officer or servant of a Municipal Council, or any person acting under the orders of a Municipal Council, for anything done, or purporting to have been done, in pursuance of this Regulation, without giving to such Municipal Conncil, officer, servant or person one month's previous notice in writing of the intended suit and of the cause thereof, nor after six months from the date of the act complained of;

and in the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

Power of Police officers.

168. (1) Any Police officer may arrest any person committing in his view any offence against any of the provisions of this Regulation, or of any by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the Police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained.

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all Police officers to give immediate information to the Municipal Council of the commission of any offence against the provisions of this Regulation, or of any by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI—MUNICIPAL ACCOUNTS.

Presentation of accounts.

Budget estimates.

169. (1) Every Municipal Council shall have prepared and laid before them, at their periodical general meetings, complete accounts of the receipts and expenditure of the Municipal Council, since the 1st day of July last preceding, and at a general meeting which shall, if possible, be held on such day between the 1st February and the 1st April as may be fixed in this behalf by the rules of the Municipal Council, a complete account of the actual and expected receipts and expenditure for the financial year ending on the 30th June next following, together with a budget estimate of the income and expenditure of the Municipal Council for the financial year to commence on the 1st July next following.

(2) The Municipal Council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the 1st July next following. The budget as passed by the Municipal Council shall be sent to the Deputy Commissioner, who shall submit the same to Government with his remarks, if any; and it shall be competent to the Government to sanction the budget with such modifications if any as it deems fit. The budget so sanctioned may be varied or altered from time to time, as circumstances may render desirable, at a special general meeting called for the purpose, and subject to the sanction of Government obtained as aforesaid. No expenditure shall be incurred unless provided for in a budget so sanctioned or varied or altered.

(3) The Municipal Council shall, at the general meeting in July, or after audit of the past year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past year.

Audit of accounts.

170. (1) The municipal accounts shall from time to time, and once in every year at the least, be audited by such agency as may be prescribed in the rules of the Municipal Council, or if the Government so direct, by a Government auditor.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the Municipal Council.

(3) The Municipal Council shall pay from the municipal fund such charges for the audit as may be agreed upon, or if the auditor is a Government auditor, then such charges as may be prescribed by the Government.

171. The Municipal Council shall, as soon as the annual accounts have been finally passed by them, transmit to the Government, or any officer duly authorised by it, in this behalf, a copy thereof, or an account in such form as the Government may prescribe, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

Transmission of accounts to Government.

172. The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in such manner as the Municipal Council may prescribe in this behalf.

Publication of accounts.

CHAPTER XII—CONTROL.

173. (1) The Deputy Commissioner shall have power—

Deputy Commissioner's powers of inspection and supervision.

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Municipal Council, or any work in progress under them or under their direction;

(*b*) to call for any extract from the proceedings of any Municipal Council or of any committee, or for any book or document in the possession of or under the control of a Municipal Council, and any return, statement, account, or report which he may think fit to require such Municipal Council to furnish;

(*c*) to require a Municipal Council to take into their consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Municipal Council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Municipal Council, and to make a written reply to him within a reasonable time stating their reasons for not desisting from doing, or for not doing, such thing.

(2) All or any of the powers given to the Deputy Commissioner by this section may be delegated by him to the Assistant Commissioner in charge of a taluk in so far as concerns any Municipal Council other than a City Municipal Council in such taluk.

174. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a Municipal Council, or the doing of anything which is about to be done or is being done by or on behalf of a Municipal Council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's power of suspending execution of orders, etc., of Municipal Councils.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the Municipal Council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

175. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a Municipal Council are empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the Municipal Council.

Extraordinary powers of Deputy Commissioner in cases of emergency.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who for the time being has custody of any moneys on behalf of the Municipal Council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of Section 174 shall apply, so far as may be, to any order made under this section.

176. (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time—

Special provision in regard to works executed by Government.

(*a*) to construct any work or works of a permanent nature which, in the opinion of Government, is or are necessary or desirable for the health, safety or conveni-

ence of the inhabitants, whether within any municipality or without it wholly or in part;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the Municipal Council, or to resume the same from the Municipal Council;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation;

(*d*) to prescribe, by notification in the Official Gazette, rules having the force of law, for the proper management and maintenance of any such work and for the regulation of all matters and things connected therewith, and to affix a penalty not exceeding five hundred rupees for the infringement of any such rules.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the Municipal Council to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by Government to be paid by the Municipal Council under clause (*c*) of the preceding sub-section.

(3) The provisions of this section shall be deemed to apply with retrospective effect in respect of the works heretofore carried out at the expense of Government for the water-supply of the cities of Bangalore and Mysore.

Power of Government to prevent extravagance in the employment of establishment.

177. (1) If in the opinion of the Government the number of persons who are employed by a Municipal Council as officers or servants or whom a Municipal Council propose to employ, or the remuneration assigned by the Municipal Council to those persons, or to any particular person, is excessive, the Municipal Council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

Government may require any City Municipal Council to appoint a Chief Officer, Health Officer, or an Engineer.

(2) It shall be lawful for the Government—

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a Chief Officer, or of a Health Officer, or of an Engineer, or any one or more of such appointments, to be made by any City Municipal Council;

(ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such Municipal Council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the Municipal Council;

(iii) to require that any person appointed to be a Chief Officer shall be invested by any such Municipal Council with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 183;

(iv) to require that all or any of the powers referred to in section 144 or in section 145 (if the conditions under which that section comes into operation exist), shall be delegated by any such Municipal Council, whether there be a Chief Officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

(3) Any requisition issued to the Municipal Council under clause (i), (iii) or (iv) of sub-section (2) above shall be complied with within such time as the Government may in each case prescribe in that behalf.

Power of Government to provide for performance of duties, in default of Municipal Council.

178. (1) When the Government is informed, on complaint made or otherwise, that a Municipal Council have made default in performing any duty imposed on them by or under this Regulation, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the Municipal Council have been guilty of the alleged default, may fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Municipal Council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the Municipal Council, to pay such expense and remuneration from such moneys as he may

have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Power of Government to supersede Municipal Council in case of incompetency, default, or abuse of powers.

179. (1) If, in the opinion of the Government, any Municipal Council are not competent to perform, or persistently make default in the performance of, the duties imposed on them by or under this Regulation, or otherwise by law, or exceed or abuse their powers, the Government may, by an order published, with the reasons for making it, in the Official Gazette, declare the Municipal Council to be incompetent or in default, or to have exceeded or abused their powers, as the case may be, and supersede them for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the Municipal Council are so superseded, the following consequences shall ensue :—

(*a*) all Councillors of the Municipal Council shall, as from the date of the order, vacate their offices as such councillors;

(*b*) all powers and duties of the Municipal Council shall, during the period of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;

(*c*) all property vested in the Municipal Council shall, during the period of supersession, vest in the Government.

Power after enquiry to continue period of supersession.

(3) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the Municipal Council.

(4) The Municipal Council shall be re-established by the election or appointment of new Councillors under the provisions of this Regulation applicable thereto,

(*a*) if no direction has been made under sub-section (3), then on the expiration of the period specified in the order of supersession under sub-section (1), and

(*b*) if a direction has been made under sub-section (3), then on such date as is fixed under that sub-section for the re-establishment of the Municipal Council.

Powers of Government and of the Deputy Commissioners over subordinates.

180. In all matters connected with this Regulation, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

CHAPTER XIII—SPECIAL PROVISIONS FOR CITY MUNICIPAL COUNCILS.

Constitution of City Municipal Councils.

181. (1) The Government may, at any time, in respect of any municipality which contains a population of not less than eight thousand inhabitants, declare, by notification, the Municipal Council thereof, which shall be specified in the notification, to be a City Municipal Council.

(2) The Government may, in respect of any Municipal Council so declared, or in respect of either of the Municipal Councils of Bangalore and Mysore Cities, direct by notification, specifying such Municipal Council, that from such date as shall be fixed by the notification containing such direction, the Municipal Council specified shall cease to be a City Municipal Council, and such Municipal Council shall, on the date fixed, cease to be a City Municipal Council accordingly.

City Municipal Council may appoint a Chief Officer, Health Officer and Engineer.

182. (1) Any City Municipal Council may, with the sanction of Government, appoint a Chief Officer and a Health Officer and an Engineer, or any one or more of such officers, or appoint one person, whether temporarily or permanently, to discharge the duties of any two or of all of such offices.

(2) No such officer shall, save with the previous sanction of the Government, be removable from office unless by the votes of at least three-fourths of the whole number of councillors.

(3) When a Chief Officer shall have been appointed, all other officers and servants employed by the Municipal Council, save such as are excepted by order of Government from time to time, shall be subordinate to him.

Powers of Chief Officer.

183. The Chief Officer of a City Municipal Council shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the Municipal Council under the provisions of this Regulation :—

(*a*) he shall have power, subject to the provisions of this Regulation and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses

and permissions which may be granted or given by a Municipal Council under this Regulation, other than licenses for markets or slaughter-houses; and

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license, in any case in which he is empowered as aforesaid to grant or give a license, and in which the Municipal Council may under the provisions aforesaid suspend, withhold or withdraw such license;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid:

(*d*) he may make such requisitions, by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a Municipal Council under any provisions contained in—

(i) sub-section (2) of section 91,
(ii) sub-section (2), sub-section (3) or clause (*a*) of sub-section (5) of section 96,
(iii) section 102,
(iv) sub-section (1) of section 110,
(v) section 111,
(vi) section 114,
(vii) section 115,
(viii) section 118,
(ix) section 119,
(x) section 121,
(xi) section 122,
(xii) section 123,
(xiii) section 124,
(xiv) section 125,
(xv) section 126,
(xvi) section 127,
(xvii) section 128,
(xviii) section 130,
(xix) sub-section (1) of section 131
(xx) section 132,
(xxi) section 134,
(xxii) section 142,
(xxiii) section 143,
(xxiv) clause (*b*) of sub-section (2) of section 144.

184. The Chief Officer shall have, independently of such powers as may be delegated to him by the Municipal Council in this behalf, power—

Chief Officer's powers of appointment and punishment.

(*a*) to appoint—

(i) without the previous sanction of the Municipal Council, to any post the monthly salary for which as fixed by rules made under clause (*b*) of section 46 does not exceed Rs. 15, and

(ii) with such previous sanction, in each case, to any post under the Municipal Council other than that of the Health Officer, Engineer or Chief Accountant, and

(*b*) to fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed Rs. 15, and, subject to the provisions of the rules for the time being in force, any other municipal officer or servant not being the Health Officer, Engineer, or Chief Accountant, provided that his order in respect of any punishment shall be subject to an appeal to the Municipal Council.

185. The Chief Officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the Municipal Council or of any committee, make an explanation, in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

Chief Officer may make explanations at meetings.

V. P. MADHAVA RAO,
Dewan.

SCHEDULE I.

(See section 59, clause ii.)

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION, WITH THE RATES OF TAXATION.

	Yearly. Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks	6	0	0
For every other vehicle with springs and every palanquin, bicycle or tricycle	6	0	0
For every cart or other vehicle without springs	4	0	0
For every boat	4	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands...	4	0	0
For every horse of or under eleven hands and for every mule ...	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE II.

(See section 59, clause iii.)

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

	Rs.	a.	p.
On every four-wheeled vehicle with springs	0	8	0
On every jatka, hackery or cart laden	0	4	0
On every jatka, hackery or cart not laden	0	2	0
On every other vehicle with springs and every palanquin, bicycle or tricycle			
On every buffalo, bull, bullock, cow or ass, laden or ridden, and on every horse under thirteen hands and every mule... ...	0	1	0
On every horse not under thirteen hands	0	2	0
On every elephant...	1	0	0
On every camel	0	4	0

Explanation—1. "Laden." An animal is not said to be laden when it is merely accoutred for the purpose of being laden or ridden.

Explanation—2. Tolls are leviable upon vehicles at the above rates irrespective of the means of traction employed, and the payment of a toll in respect of any vehicle covers the animals engaged in drawing it.

SCHEDULE III.

(See section 59, clause x.)

TAX ON ARTS, PROFESSIONS, TRADES, AND CALLINGS.

Class I.

	Yearly. Rs. a. p.
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to rupees 2,000 a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to Rs. 2,000 a month or upwards :— (i) Carrying on business as a Company, (ii) Abkari Renters, Wholesale and Retail Traders, and Manufacturers of every kind, Contractors, Boat-owners, Auctioneers, and Commission Agents; (iii) Bankers, Money-lenders, Money-changers and Pawnbrokers; (iv) Editors and Proprietors of Newspapers; (v) Brokers and dealers in Securities, Shares or Bills of Exchange; (vi) Practising Advocates, Pleaders and Law Agents; (vii) Practising Medical Practitioners of all kinds, including Hakims and Vaidyans; (viii) Dentists and Veterinary Surgeons; (ix) Architects and Civil Engineers; (x) Owners and Farmers of Markets and Toll Farmers; (xi) Keepers of Hotels, Lodging-houses, Boarding-houses or Billiard Saloons; (xii) Builders and Surveyors; (xiii) Owners of Mills, Warehouses, Printing-Presses, Oil-Presses, Cotton-Presses and other Presses and Factories of all kinds; (xiv) Professional Artists, Photographers, Actors, Owners or Managers of Circuses or Theatrical Companies, Musicians and Dancers; (xv) Dealers in animals or vehicles, and Owners or keepers of livery stables or hackney-carriages; (xvi) Artisans.	50 0 0

Class II.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 1,500 a month or upwards	37 0 0

Class III.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 1,000 a month or upwards	25 0 0

Class IV.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 500 a month or upwards	12 0 0

Class V.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 300 a month or upwards	6 0 0

Class VI.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 200 a month or upwards	4 0 0

Class VII.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 100 a month or upwards 2 0 0

NOTE—I. The above classification is subject to the following provisos, namely :—

Proviso 1.—No owner of a Cotton-press shall be placed in any class below Class III.

Proviso 2.—No Wholesale Trader, Banker, Advocate, Architect, Civil Engineer, Mill-owner, or Factory-owner shall be placed in any class below Class IV.

Proviso 3.—No Abkari Renter (other than a mere liquor-shop keeper), Editor or Proprietor of a Newspaper, Broker or other dealer in Securities, Shares or Bills of Exchange, and no First Grade Pleader, Medical Practitioner (other than a Hakim or Vaidyan), Dentist or Veterinary Surgeon shall be placed in any Class below Class V.

Proviso 4.—No Boat-owner, Auctioneer, Money-lender, Second Grade Pleader, Law-agent, Owner or Farmer of a market, Toll-farmer, Keeper of a Hotel, Lodging-House, Boarding-House or Billiard-Saloon, and no Builder, Surveyor or Owner of a Warehouse or Press (other than a cotton-press or oil-press) shall be placed in any Class below Class VI.

Note—II. A person in receipt of a pension paid from any source shall be deemed to be a person holding an office or appointment within the meaning of this Schedule and of section 59.

SCHEDULE IV.

(See clause (*b*) of section 60.)

Notice is hereby given to the inhabitants of the Municipality of.....that the Municipal Council desire to impose the tax, rate, toll, octroi or cess (*as the case may be*) defined in the Rules appended, [in lieu of the tax known as the.....

*To be inserted if the tax is to be substituted for any existing tax.

which is published at page.....of the sanctioned Rules.*]

Any inhabitant of the Municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the Municipal Council.

RULES.

[*The Rules prepared by the Municipal Council under clause* (a) *of section 60 are to be appended here.*]

SCHEDULE V.

(See sub-section (3) of section 82.

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....

Take notice that the Municipal Council of.....demand from.....the sum of.....due from.....on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under Rule No.....for the period of.....commencing on the day of.....19.....and ending on the.....day of ....19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the Municipal Office at....., or sufficient cause for non-payment is not shown to the satisfaction of the Municipal Council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19 .

(Signed) ,

By order of the Municipal Council of .

SCHEDULE VI.

(See sub-section (1) of section 83.)

FORM OF WARRANT.

To,

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas *A. B.* of.....has not paid, and has not shown satisfactory cause for the non-payment of, the sum of.....due for the tax*.....mentioned in the margin for the period commencing on the day of 19 and ending with the day of 19 and leviable under Rule No. ;

*Here describe the tax.

And whereas fifteen days have elapsed since the service on him of Notice of Demand for the same;

This is to command you to distrain, subject to the provisions of section 83 of the Mysore Municipal Regulation, 190 , the goods and chattels of the said *A. B.* to the amount of , being the amount due from him, as follows:—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with this warrant all particulars of the goods seized by you thereunder.

Dated this.....day of.....19 .

(Signed)

President (or as the case may be), see section 83. (2)

SCHEDULE VII.

(See clause (*c*) of sub-section (4) of section 83.)

FORM OF INVENTORY AND NOTICE.

To

A. B., residing at.....

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the value of.....due for the tax* .....mentioned in the margin for the period commencing with the day of 19 and ending with the day of 19 , together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the Municipal Office at..... the said amount together with the costs of recovery, the said goods and chattles will be sold.

*Here describe the tax.

Dated this day of 19 .

(Signature of officer executing the warrant.)

INVENTORY.

(Here state particulars of goods and chattels seized.)